

Vault

AGENDA
City of Brookings
Common Council Meeting
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon 97415
Monday, October 8, 2007, 7:00 p.m.

Beginning at 6:00pm, Council will meet for a **workshop** to discuss the County's response to the City's request regarding the Mixed Used Master Plan Zone.

A meeting of the **Urban Renewal Agency** will follow immediately after the Common Council Meeting.

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
- IV. Ceremonies/Appointments/Announcements**
 - A. Introduction of New Employee - Police Officer Terry Murray
 - B. Employee Anniversary – Police Officer Donny Dotson, 10 years [pg. 7]
 - C. Appoint City Manager Gary Milliman to serve as alternate to Oregon Coastal Zone Management Association (OCZMA).
 - D. Acceptance of Hayley Farr's resignation from Parks and Recreation Commission Position #6 with direction to staff to advertise the position. [pg. 9]
- V. Public Hearings**
 - A. Continuance of File #LDC-2-06, revisions to Title 17, Chapters 17.170, Street Standards, of the Brookings Municipal Code. *Planning Director* [Advance Packet]
 - B. Continuance of File #LDC-1-07, revisions to Title 17, Chapter 17.92, Off-Street Parking and Loading Regulations, Brookings Municipal Code. *Planning Director* [Advance Packet]
- VI. Oral Requests and Communications from Audience**
 - A. Council Liaison Reports
 - B. Public Comments –maximum **5 minutes per person**. A completed **public comment form**, located near the southern council door, must be turned in to the Administrative Assistant prior to the meeting's start. Comments will be restricted to topics indicated on the form. All remarks and questions must be addressed to the presiding officer, **only**. Comments will be respectful. Harsh or abusive language will not be tolerated.
- VII. Regular Agenda**
 - A. Discussion regarding possible Council action with reference to Ocean Marine Reserves. *Mayor Sherman* [pg. 11]
 - B. Discussion with possible direction to staff to prepare an ordinance amending Section 2.50.050, Removal /Vacancies under Chapter 2.50, Parks and Recreation Commission of the Brookings Municipal Code, to change the allowable number of unexcused absences from two to three. *Public Works Director* [pg. 31]
 - C. Discussion with possible approval of City's updated Memorandum of Understanding and Intergovernmental Agreement with the Harbor Sanitary District for sewage treatment. *City Manager* [pg. 35]

VIII. Consent Calendar

- A. Approval of Council Meeting Minutes for September 24, 2007. [pg. 47]
- B. Approval of Planning Commission Minutes for:
 - 1. September 4, 2007 [pg. 51]
 - 2. September 18, 2007 [pg. 55]
- C. Approval of vouchers for September, 2007 in the amount of \$332,839.46. [pg. 61]

IX. Ordinances/Resolutions/Final Orders

- A. First and second reading by title only with possible adoption of Ordinance 07-O-594, an ordinance amending Chapter 17.92, Off-Street Parking and Loading Regulations of the City of Brookings Land Development Code. *Planning Director* [Advance Packet]
- B. Resolution 07-R-777, a resolution adopting Parks Use Rules and Regulations for Brookings City Parks as forwarded by the Parks and Recreations Commission. *City Manager* [pg. 65]

X. Remarks from Mayor and Councilors

- A. Mayor
- B. Councilors

XI. Adjournment

**URBAN RENEWAL AGENCY
REGULAR MEETING**

To follow immediately after the Common Council Meeting

I. Call to Order

II. Roll Call

III. Minutes

- A. Approval of Urban Renewal Agency minutes for September 24, 2007. [pg. 71]

IV. Comments

V. Regular Agenda

- A. Consideration with possible approval of Façade Improvement Project matching grant as recommended by the Urban Renewal Advisory Committee for property located at 702 Chetco Avenue, Outreach Gospel Mission, owner. *City Manager* [Supplemental Packet]
- B. Consideration with possible approval of Façade Improvement Project matching grant as recommended by the Urban Renewal Advisory Committee for property located at 520 & 522 Hemlock, Rick Gray, owner. *City Manager* [Supplemental Packet]
- C. Consideration to approve in concept the project list for the Agency's first long-term dept issuance as recommended by the Urban Renewal Advisory Committee. *City Manager* [pg. 73]

VI. Adjournment

EVENTS

October 2007

October 2007						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

November 2007						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
October 1	2	3	4	5	6
9:00am CC- VIPS/Volunteers in Police Service/Marvin Parker 7:00pm FH-FireTng/ChShrp	7:00pm CC-Planning Commssn	10:00am CC- Site Plan Com Mtg 1:00pm Health Fair Committee 7:00pm FH-PoliceReserves	12:00pm CC - PERS meeting 3:00pm FH- SafetyComMtg Kathy Dunn	2:30pm Easy Manor Park SubComm	
8	9	10	11	12	13
7:00pm FH-FireTng/ChShrp 7:00pm CC-Council Mtg		10:00am CC- Site Plan Com Mtg 10:00am FH - Brookings Rural Fire Dept	9:00am CC-Crm Stoppers 10:00am CC - Muni Court 3:00pm CC Urban Renewal Advisory Committee		4:00pm 2nd Saturday Art Walk (Downtown Galleries)
15	16	17	18	19	20
9:00am CC-VIPS/Volunteers in Police Service-BPalicki 10:00am HGE - Tidewater 11:00am Garden Club Mtg, 1:00pm HGE - Aquastore 7:00pm FH-FireTng/ChShrp	1:30pm CC - LDC Committee	10:00am CC- Site Plan Com Mtg	1:00pm FH- Health Fair 2:00pm CC - CEP (Emergency preparedness)	4:00pm FH - CPR Training	
22	23	24	25	26	27
7:00pm FH-FireTng/ChShrp 7:00pm CC-Council Mtg	1:30pm CC - LDC Committee	10:00am CC- Site Plan Com Mtg	7:00pm CC-Parks & Rec Comm		CC Traffic School with Marvin 2259
29	30	31			
7:00pm FH-FireTng/ChShrp	1:30pm CC - LDC Committee	10:00am CC- Site Plan Com Mtg			

CC - Council Chambers
FH - Fire Hall
CM - City Manager's Office

10/4/2007 10:54 AM

EVENTS

November 2007

November 2007						
S	M	T	W	T	F	S
4	5	6	7	1	2	3
11	12	13	14	8	9	10
18	19	20	21	22	23	24
25	26	27	28	29	30	

December 2007						
S	M	T	W	T	F	S
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23	24	25	26	27	28	29
30	31					

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			November 1	2	3
			4:00pm CC SafetyComMtg Kathy Dunn		
					4
5	6	7	8	9	10
9:00am CC- VIPS/Volunteers in Police Service/Marvin Parker	1:30pm CC - LDC Committee	10:00am CC- Site Plan Com Mtg 7:00pm FH-PoliceReserves	9:00am CC-Crm Stoppers 3:00pm CC Urban Renewal Advisory Committee		4:00pm 2nd Saturday Art Walk (Downtown Galleries)
7:00pm FH-FireTng/ChShrp					11
					Veterans Day (closest weekday to 11/11) 8:00am City Hall CLOSED -
12	13	14	15	16	17
Veterans Day - Closed	1:30pm CC - LDC Committee 7:00pm CC-Council Mtg	10:00am CC- Site Plan Com Mtg 10:00am FH - Brookings Rural Fire Dept	10:00am CC - Muni Court 2:00pm CC - CEP (Emergency preparedness)		18
19	20	21	22	23	24
9:00am CC-VIPS/Volunteers in Police Service-BPalicki	1:30pm CC - LDC Committee 7:00pm CC TENT Planning Commission meeting	10:00am CC- Site Plan Com Mtg	Thanksgiving - CLOSED		CC Traffic School with Marvin 2259
11:00am Garden Club Mtg, Brookings Best Western Inn (Best					25
7:00pm FH-FireTng/ChShrp					
26	27	28	29	30	
1:00pm Homeless Coalition Meeting	1:30pm CC - LDC Committee	10:00am CC- Site Plan Com Mtg	7:00pm CC-Parks & Rec Comm		
7:00pm FH-FireTng/ChShrp					
7:00pm CC-Council Mtg					

CC - Council Chambers
FH - Fire Hall
CM - City Manager's Office

10/4/2007 10:54 AM

CERTIFICATE OF APPRECIATION

Awarded to

Danny Datsan

For Ten Years of Dedicated Service to the
Citizens of the City of Brookings.



Honored this 8th day of October, 2007


Mayor Pat Sherman


City Manager, Gary Milliman

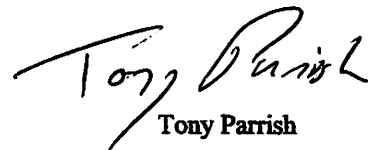
To; Mayor Pat Sherman
City of Brookings

From; Tony Parrish , Chairman
Parks and Rec. Comm.

October 3, 2007

Dear Pat, I have spoken to Hayley Farr and she has decided to resign her position on the Parks and Recreation Commission. She has become involved in the theater and that has taken up all her time. I thanked her for her service and wished her well. I had asked her to write a short note to you letting you know of her decision. She has not followed up with that so I hope this note will suffice. There are many people willing to serve so you should not have a problem filling it.

Thank-You



Tony Parrish



Memo

To: Council and City Manager
From: Pat Sherman
Date: October 2, 2007
Re: Marine reserves

At LOC conference I inquired about the issue of marine reserves. I was directed to Louise Solliday, Director of Department of State Lands (DSL), who is an ex-officio member of the Oregon Ocean Policy Advisory Council (OPAC). OPAC is the body dealing with this issue.

I was writing as she was talking. Here were some of her thoughts. (I am not a reporter so my note taking was the best I could do and she was talking pretty fast. I am including everything she said without passing judgment other than saying she appeared to be a proponent of having marine reserves.) (1) "Let the OPAC process work". She was concerned that coastal cities were reacting before any decisions had been made and indeed the process was only at the beginning stage. (2) It is not true that most of the reserves are south of Cape Blanco. The fact is that conversations about where the reserves will be has only just begun. (3) It is not true that there are no representatives from the south coast. She directed me to the OPAC website (which I did and have attached a few items). Brad Pittinger represents the south coast, and the County Commissioner seat for the south coast is currently vacant. Solliday said that Lucie LaBonte has attended every meeting.

She made some comments about marine reserves. Of 126 marine reserves around the world they have been shown to increase the number of fish, the size of the fishery, have increased business, increased food supply, have produced bigger and better fishing outside of the reserve, and increased biomass. She said that the economic benefits almost always occur. She said that in most places the fishermen initially oppose the establishment of reserves and that once they are established the fishermen change their minds. She said the current issue of National Geographic has an excellent article on the marine reserves of New Zealand, and encouraged me to read the article. She suggested that we have a presentation from Steve Gaines, a CA scientist out of Humboldt State (I'm pretty sure that's where she said but didn't write that down.)

OCZMA meeting is Oct 13. We should decide what, if any, position we want to take on this issue at our Oct 8 meeting. Several self explanatory documents are attached. Some of the documents are current and some are historical.

THE OREGON OCEAN POLICY ADVISORY COUNCIL

(updated September 3, 2007)

Membership on the Ocean Policy Advisory Council is specified in ORS 196.438

VOTING COUNCIL MEMBERS

A representative of the following, appointed by the Governor:

South Coast commercial fisheries
Brad Pettinger, Brookings

North Coast commercial fisheries
Scott McMullen, Astoria

North Coast charter, sport or recreational fisheries
Frank Warrens, Portland

South Coast charter, sport or recreational fisheries
James O. Pex, North Bend

Ports, marine transportation or navigation
Jim Bergeron, Commissioner, Port of Astoria

Coastal non-fishing recreation
Fred Sickler, Lincoln City

A coastal conservation or environmental organization
Robin Hartmann, Oregon Shores Coastal Coalition, Roseburg

A statewide conservation or environmental organization
Paul Engelmeyer, Audubon Society, Yachats

Oregon Coastal Indian tribes
Robert Kentta, Confederated Tribes of Siletz

North Coastal County Commissioner
Terry Thompson, Commissioner, Lincoln County

South Coastal County Commissioner
Seat vacant

Coastal City Elected Official
Jack Brown, Councilor, City of Depoe Bay

Public-at-large
David Allen, Newport

James W. Good, Corvallis

EX OFFICIO COUNCIL MEMBERS

The Governor or Governor's designee
Jessica Hamilton, Natural Resources Policy Advisor

Department of Environmental Quality
Stephanie Hallock, Director
(Greg Pettit, alternate)

Department of Fish and Wildlife
Roy Elicker, Acting Director
(Patty Burke, alternate)

Department of Geology and Mineral Industries
Vicki McConnell, Director
(Jonathan Allan, alternate)

Department of Land Conservation & Development
Cora Parker, Director
(Paul Klarin, alternate)

Department of State Lands
Louise Solliday, Director
(Jeff Kroft, alternate)

Department of Agriculture
Katy Coba, Director
(Dalton Hobbs, alternate)

Dept. of Parks and Recreation
Tim Wood, Director
(Jim Myron, alternate)

Oregon State University, Sea Grant College
Robert Malouf, Director
(Jay Rasmussen, Ext. Sea Grant, alternate)

A coast-wide local governments' organization
Onno Husing, Oregon Coastal Zone Management Association, Newport

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OPAC Public Meetings

Public Meetings

The meetings of the Ocean Policy Advisory Council (OPAC) are open to the public. Please refer to the agenda for the location of each meeting.

September 25, 2007 agenda (pdf)

July 17, 2007 agenda (pdf)

- Summary of July 17, 2007, OPAC meeting (pdf)
- Presentation on West Coast Governors' Agreement by Jessica Hamilton (pdf)
- Presentation on change in the northeastern Pacific Ocean by Bill Peterson (pdf)
- Presentation on changing Pacific Ocean fish stocks by Bob Emmett (pdf)
- Presentation on existing uses of the Territorial Sea by Gil Sylvia (pdf)
- Presentation on interviews of OPAC members by Darci Connor (pdf)

April 19, 2007 agenda (pdf)

- Summary of April 19, 2007, OPAC meeting (pdf)

January 30, 2007 agenda (pdf)

- Summary of January 30, 2007, OPAC meeting (pdf)

November 28, 2006 agenda (pdf)

- Summary of November 28, 2006, OPAC meeting (pdf)

October 10, 2006 agenda (pdf)

- Summary of October 10, 2006, OPAC meeting (pdf)
- Presentation on FERC by Ann Miles (pdf)
- Presentation on Marine Protected Area planning by Cheryl Coon (pdf)
- Memorandum from Jessica Hamilton to Scott McMullen requesting a national marine sanctuary status report (pdf)
- Draft national marine sanctuary status report (pdf)

August 25, 2006 agenda (pdf)

- Summary of August 25, 2006, OPAC meeting (pdf)
- Presentation on MPA Federal Advisory Committee by Mark Hixon (pdf)
- Wave energy memorandum from Jessica Hamilton to Scott McMullen (pdf)
- Presentation on Oregon groundfish stocks by Patty Burke (pdf)

June 23, 2006 agenda (pdf)

<http://www.oregon.gov/LCD/OPAC/meetings.shtml>

10/2/2007

- Summary of June 23, 2006, OPAC meeting (pdf)
- Summary of June 14, 2006, OPAC Executive Committee meeting (pdf)
- Summary of member Working Group preferences and provisional memberships (pdf)
- Example National Marine Sanctuary key issues analysis matrix (pdf)
- Letter in support of Oregon Seafloor Mapping Initiative (pdf)
- Letter and distribution list inviting federal agency liaisons (pdf)

March 17, 2006 agenda (pdf)

- Summary of March 17, 2006 meeting (pdf)
- Final operating procedures/consensus process (pdf)
- Updated OPAC membership and contact information (pdf)
- Work Plan (pdf) and Timeline (pdf) for OPAC National Marine Sanctuary Recommendation

Jan. 20, 2006 agenda (pdf)

- Summary of Jan. 20, 2006 meeting (pdf)
- Final draft of the operating procedures/consensus process document (pdf)
- Updated/corrected version of OPAC membership and contact information, with addition of staff and counsel (pdf)
- Background memo on the context for Oregon's National Marine Sanctuary proposal (pdf)

Dec. 9, 2005 agenda (doc)

- Summary of Dec. 9, 2005 meeting (pdf)
- Draft priorities list (pdf)
- Draft operating procedures (pdf)
- South Coast seat letters (pdf)
- STAC formations and functions (pdf)

Draft Policy Guidance for MRWG/STAC/OPAC Review

Last modified on 9/27/2007 at 3:05 PM

Current language in this document is based on changes made by the MRWG and OPAC at their meetings Sept. 24th & 25th, 2007. Until OPAC completes reviewing this document and gives final approval, all content in this document is subject to changes, additions or deletions.

OREGON MARINE RESERVE POLICY GUIDANCE

MARINE RESERVE DEFINITION

A marine reserve is an area within Oregon's state territorial sea that is protected from all extractive activities, including the removal or disturbance¹ of living and non-living marine resources, except as necessary for monitoring or research. Evaluate reserve condition, effectiveness, or impact of stressors such as climate change.

Marine reserves are intended to provide lasting protection, yet individual sites may be later modified after monitoring and evaluation. "Modification" in this context means that, although sites are intended to be permanent at the time of establishment, subsequent evaluation may result in sites being altered, merged, or removed from the network in order to achieve the goal (OPAC, 9/25/2007).

OVERALL PURPOSE OF OREGON'S MARINE RESERVE NETWORK

The State of Oregon is establishing a network of marine reserves along our coast as part of an overall strategy to manage its marine resources and submerged lands using an ecosystem-based approach. The overall purpose of marine reserves is to help protect, sustain, or restore the nearshore marine ecosystem, its habitats, and species for the heritage values they represent to present and future generations. Such action complements the collective efforts of Oregon, Washington, and California to manage the California Current in an ecosystem-based manner as expressed in the West Coast Governors' Agreement on Ocean Health².

MARINE RESERVE GOALS

Protect and sustain a network of ecologically-special places in Oregon's territorial sea to conserve marine habitats and biodiversity, provide a framework for scientific research and effectiveness monitoring, and minimize possible adverse social and economic impacts on ocean users and ocean-dependent communities (OPAC, 2007).

MARINE RESERVE OBJECTIVES

The following objectives apply to the entire marine reserve process. Planning principles and guidelines are designed to guide the nomination, selection, and implementation of marine reserves, including future management.

¹ Insert new definition of "disturbance" (TBD) here and in the definitions section.

² OPAC MRWG: "Draft Marine Reserve Nomination Guidelines: General Information Sheet", 7/16/07.

³ A collection of individual sites that are representative of marine habitats and that are ecologically significant when taken as a whole (OPAC, 2007).

Comment LH11: These objectives were revised at the 9/25 OPAC meeting, incorporating suggestions from STAC. At the 9/20/07 STAC meeting, members discussed these objectives and will make their suggestions for refining the objectives in October. These comments have not been incorporated into this version of this document.

Draft Policy Guidance for MRWG/STAC/OPAC Review

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Marine Habitat and Biodiversity Conservation Objectives

1. Protect replicate sets of each key type of marine habitat that occur within each biogeographical region⁴ of Oregon's Territorial Sea. Key habitats include: pelagic, kelp bed, rocky subtidal, soft bottom subtidal, rocky shore and sandy beach (Oregon Nearshore Strategy, 2006).
2. Protect areas important to the natural diversity and abundance of marine organisms, including those areas essential to their life histories and behaviors.
3. Protect areas of unique⁶ or high biodiversity⁷, and special natural features or processes⁸.

Research, Monitoring and Adaptive Management Objectives

4. Design and manage marine reserves as an integrated network of ecological reference areas⁹ for research, monitoring, and evaluation of effectiveness for adaptive management. Note: Some have suggested we delete the objective for adaptive management. Not yet resolved.
5. Conduct ongoing research and monitoring of reserve condition, effectiveness, and the impacts of natural and human-induced stressors to improve ecological understanding and support adaptive management.

Social and Economic Objectives

6. To support coastal communities, site reserves to minimize potential adverse social and economic effects and maximize potential beneficial social and economic impacts when possible.

⁴ Not determined yet (STAC review)

⁵ Examples include areas important for marine species reproduction, including nurseries, spawning areas, egg retention sources, recruit aggregation areas, larval dispersal routes, and adult as well as juvenile movement between depths.

⁶ Examples include those with "unique or of limited range within the state" and those "especially vulnerable because of size, composition, or location in relation to chemical or other pollutants, noise, physical disturbance, alteration or harvest (Goal 19)."

⁷ Defined in the Oregon Territorial Sea Plan (pg. 173, also in definitions section, below) and includes species diversity, ecological diversity, genetic diversity and functional diversity (OPAC, 1994).

⁸ Examples of special natural features and processes may include geological formations (such as canyons or pinnacles), seafloor vents, dominant oceanographic fronts, major river plumes, ocean current eddies or jets.

⁹ STAC to define ecological reference area

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MARINE RESERVE PLANNING PRINCIPLES AND GUIDELINES

1. The public, including ocean users, ocean-dependent communities and other stakeholders will be involved in marine reserve nomination, selection, regulation, and monitoring for marine reserves.
2. The best readily (note: maybe delete readily? Check with group and STAC) available science and local knowledge will be used in the nomination and selection process for marine reserves, and used to monitor and adaptively manage them into the future.

**It was mentioned that we need to define best readily-available science and local knowledge (inserted place-holders in the definitions section).*

3. In the nomination and selection process for marine reserves, encourage coordinated, collaborative marine reserve nomination proposals from communities of place or interest. Examples of communities of place may include cities, towns, and ports. Communities of interest may include fishing organizations, fishery/gear groups, governmental and inter-governmental organizations, and non-governmental organizations. Note: It was mentioned that we need to "add consistency in grammar to form." Does this do it?
4. In the design and siting of marine reserves, the existing ocean and coastal regulatory framework will be considered.
5. Other existing and potential emerging uses, such as wave energy and buried cables will be considered in the design and siting of marine reserves.
6. Marine reserves will be of sufficient size and numbers to protect and sustain a network of ecologically special places in Oregon's territorial sea to conserve marine habitats and biodiversity. Note: we decided to keep this in for now based on public comment to that effect.

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MARINE RESERVE IMPLEMENTATION GUIDELINES AND PRINCIPLES

1. Ecosystem based management will be used as a guiding principle to the extent practicable.
2. Individual marine reserves and the selection of marine reserves as a whole will have clearly defined objectives, monitoring protocols, enforcement provisions, effective management measures, and a commitment of long-term funding necessary to achieve its goals.
3. Marine Reserves will be adequately enforced.
4. Marine Reserves will be adequately monitored and evaluated.
5. Ensure research, monitoring, evaluation, and adaptive management activities are compatible with the goal of conserving marine habitats and biodiversity.
6. Provide for and ensure non-consumptive and non-extractive educational, recreational and ecotourism activities are compatible with the goal of conserving marine habitats and biodiversity*.
7. The potential for adverse social and economic impacts of marine reserves on ocean users and ocean-dependent communities will be minimized by creating positive social and economic impacts through beneficial and responsible uses and management of ocean resources of the communities that depend on them*.

*Note: MRWG members are concerned on these two still. Not resolved. It was mentioned that we may add a preamble before these two discuss when and how these will be implemented? Not resolved.

Draft Policy Guidance for MRWG/STAC/OPAC Review

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DEFINITIONS

Best readily-available science: *TBD*

Biogeographical region: Insert what MRWG come up with here (after STAC input)

Coastal Biodiversity: at its simplest, a term meaning the diversity of life forms and communities that occur in the coastal zone, including nearshore ocean waters. Diversity is a concept that means "variety or multiformity, a condition of being different in character and quality (Patrick, 1983, in Ray, 1988, in OPAC, 1994)." There is no single way to define, measure, or evaluate diversity of life; rather there are at least four interrelated ways:

- *species diversity*, which refers to the variety and abundance of species in an ecosystem;
- *ecological diversity*, which refers to the variety of types of biological communities found on earth;
- *genetic diversity*, which refers to the genetic variation that occurs among members of the same species; and
- *functional diversity*, which refers to the variety of biological processes or functions characteristic of a particular ecosystem. This may be the most important way of referring to biodiversity in a coastal management sense (OPAC, 1994).

The United Nations Convention on Biological Diversity defines biological diversity (aka biodiversity) as "the variability among living organisms from all sources, including, 'inter alia', terrestrial, marine, and other aquatic ecosystems, and the ecological complexes of which they are part: this includes diversity within species, between species and of ecosystems" (UN, 1992).

Conservation: to manage in a manner which avoids wasteful or destructive uses and provides for future availability (Oregon Statewide Planning Goals and OPAC 1994).

Disturbance: Insert here (*TBD*).

Ecotourism: a form of tourism that focus on local culture, flora and fauna.

Ecosystem: an ecosystem is a dynamic complex of plant, animal, and microorganism communities and the nonliving environment interacting as a functional unit. Humans are an integral part of ecosystems. Ecosystems vary enormously in size; a temporary pond in a tree hollow and an ocean basin can both be ecosystems (Millennium Assessment, 2005).

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Ecosystem-Based Management: ecosystem-based management is an integrated approach to management that considers the entire ecosystem, including humans. The goal of ecosystem-based management is to maintain an ecosystem in a healthy, productive and resilient condition so that it can provide the services humans want and need. Ecosystem-based management differs from current approaches that usually focus on a single species, sector, activity or concern; it considers the cumulative impacts of different sectors. Specifically, ecosystem-based management:

- emphasizes the protection of ecosystem structure, functioning, and key processes;
- is place-based in focusing on a specific ecosystem and the range of activities affecting it;
- explicitly accounts for the interconnectedness within systems, recognizing the importance of interactions between many target species or key services and other non-target species;
- acknowledges interconnectedness among systems, such as between air, land and sea; and
- integrates ecological, social, economic, and institutional perspectives, recognizing their strong interdependences (McLeod et. al., 2006).

Evaluation Criteria: the guidelines and rules that enable judgments, choices, or decisions to be made about how well individual marine reserve proposals address the goal and objectives about how such proposals must fit together to form a recommended network of marine reserves (Jim Good, 2007 - Original source unknown).

Goal: a clear, concise statement of the intended result or outcome toward which effort is directed; it is what you hope to accomplish or achieve over time. Goals are made operational through more specific objectives or tasks (Jim Good, 2007-Original source unknown).

Habitat: the environment in which an organism, species, or community lives. Just as humans live in houses, within neighborhoods, within a town or geographic area, within a certain region, and so on, marine organisms live in habitats which may be referred to at different scales (OPAC, 1994).

Kelp Bed: kelp bed habitat is a sub-set (or ecotype) of hard/rocky subtidal habitat. Kelp beds grow on many of Oregon's shallow rocky reefs, typically in waters between 5 and 25 meters (ODFW, 2006).

Key Types of Marine Habitat: pelagic, kelp bed, rocky subtidal, soft bottom subtidal, rocky shore and sandy beach (ODFW, 2006).

Local knowledge: Insert here.

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Marine Environment: Marine environment means those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands thereunder, over which the United States exercises jurisdiction, consistent with international law (Executive Order 13158, May 26, 2000).

Marine Protected Area (MPA): any area of the marine environment that has been reserved by Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein (Executive Order 13158, May 26, 2000).

Marine Reserve: an area within Oregon's state territorial sea that is protected from all extractive activities, including the removal or disturbance of living and non-living marine resources, except as necessary for monitoring or research to evaluate reserve condition, effectiveness, or impact of stressors such as climate change.

Marine reserves are intended to provide lasting protection. Individual sites may be later modified after monitoring and evaluation. "Modification" in this context means that, although sites are intended to be permanent at the time of establishment, subsequent evaluation may result in sites being altered, moved, or removed from the network in order to achieve the goal (OPAC, 9/25/2007).

* disturbance definition TBD

Nearshore: What definition do we want to use? In the ODFW Nearshore Strategy it is defined as "the area from the coastal high tide line offshore to the 30-fathom (180 feet or 55 meter) depth contour. However, this does not always stay within the state boundary of 3 miles.

Network: a collection of individual sites that are representative of marine habitats and that are ecologically significant when taken as a whole (OPAC, 2007).

Nomination Guidelines: the data and information needed to help evaluate proposed marine reserve sites using the evaluation criteria (Jim Good, 2007-Original source unknown)

Objective: an action statement designed to help move toward the goal. Objectives should be "SMART," that is Specific, Measurable, Achievable, Relevant, and Time-framed).

Ocean Shore Recreation Area:

- "Ocean shore" means the land lying between extreme low tide of the Pacific Ocean and the statutory vegetation line as described by ORS 390.770 or the line of established upland shore vegetation, whichever is farther inland. "Ocean shore"

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not include an estuary as defined in ORS 196.800.

- "State recreation area" means a land or water area, or combination thereof, under the jurisdiction of the State Parks and Recreation Department used by the public for recreational purposes. [Formerly 274.065 and then 390.710; 1989 c.904 §23; 1999 c.373 §2]

Pelagic: pelagic waters refer to the ocean water column and the organisms living therein (ODFW, 2006). Note: some have commented that this habitat is covered, and inclusion is duplicative. Not resolved yet.

Protect: save or shield from loss, destruction, or injury or for future intended use (Oregon Statewide Planning Goals and OPAC, 1994).

Rocky Shore: rocky shores include all hard substrate areas along the shoreline that are alternately exposed and covered by tides. They often are referred to as rocky intertidal or tidepool areas. Rocky shores form parts of the seaward boundary of Oregon's Territorial Sea and can extend from the extreme low tide to extreme high tide. Oregon's coastline has approximately 82 linear miles of rocky shore habitat (ODFW, 2006).

Rocky Subtidal: rocky subtidal (or hard subtidal) habitat includes all hard substrate areas of the ocean bottom that are never exposed by low tides. They often are referred to as reefs, rocky reefs, rocky banks, pinnacles, or hard bottom. Rocky subtidal habitats can exist anywhere in the subtidal region from just beyond the limit of the area exposed by tides (intertidal zone) out to the westward boundary of the Oregon Territorial Sea (~3 miles out). Some rocky subtidal areas are extensions of rocky shoreline features such as headlands, cliffs or rocky intertidal habitat, while others exist as isolated regions of rock surrounded by soft substrate habitat. Some of these habitat areas are contained entirely within the Territorial Sea, while others extend westward into deeper water habitat. Rocky reefs may have relatively low topography barely raised above the surrounding seafloor, or may rise from the seafloor many meters, often with exposed rocks, seastacks or small islands (ODFW, 2006).

Sandy Beach: sandy beaches are transitional areas between subtidal soft sediments that are never exposed, and the terrestrial mobile or vegetation-anchored dunes, or sedimentary bluffs that are above the highest extent of high tide. Sandy beaches can include high, mid and low intertidal ecotypes depending on immersion and exposure to waves as a function of elevation (ODFW, 2006).

SMART objectives: a simple acronym used to set objectives. SMART stands for: 1. Specific – Objectives should specify what they want to achieve. 2. Measurable – You should be able to measure whether you are meeting the objectives or not. 3. Achievable – Are the objectives you set, achievable and attainable? 4. Realistic – Can you realistically

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achieve the objectives with the resources you have? 5. Time framed – When do you want to achieve the set objectives? (Jim Good, 2007-Original source unknown).

Soft Bottom Subtidal: soft bottom subtidal habitat is defined as extending from the lowest reaches of the intertidal west to the outer extent of the Territorial Sea (~3 miles). Subtidal soft bottom habitats are diverse, as a result of distinct organism assemblages that are influenced by differences in substrate type (sand vs. mud), organic content and bottom depth. The Oregon coast primarily is an exposed, high energy environment, so most soft bottom subtidal areas are sandy. Mud can be a more pronounced bottom type in areas receiving less energy from water movement (i.e., isolated and sheltered embayments) and in deeper waters toward the outer edge of the Territorial Sea (ODFW, 2006).

Species: a population or collection of populations of closely related and similar organisms capable of interbreeding freely with one another but not with members of other species under natural conditions (OPAC, 1994).

Territorial Sea:

- the ocean and seafloor area from mean low water seaward three nautical miles (Oregon Statewide Planning Goals)
- for the purposes of the Territorial Sea Act (OPAC, 1994), the Oregon Legislature required that the Ocean Shore Reservation Area (defined above) be included, which includes areas between the extreme low tide of the Pacific Ocean and the statutory vegetation line as described by ORS 390.770 or the line of established upland shore vegetation, whichever is farther inland (ORS 390.605).

User: Insert here?

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Oregon Coastal Zone Management Association
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Action Taken at OCZMA January 11, 2002 Meeting in Newport at the Hallmark Resort on Marine Protected Areas

Motion made by Commissioner Scott Boley, Port of Gold Beach and seconded by Commissioner Lucie La Bonte, Curry County and approved unanimously by OCZMA members present.

Marine Protected Areas (MPAs) Motion Language:

Oregon coastal governments are opposed to any further reductions to commercial and recreational fisheries and the economy and lifestyle of the coast. Before designation of any marine reserves and/or broadening of existing marine protected areas were to occur, the following items must be accomplished:

- 1) Clear goals must be established for each proposed area. (These include answers to questions such as: Why is the reserve being proposed? What are the expected benefits? What will be the timeline and criteria used for evaluating reserve effectiveness?)**
- 2) The impacts (social, economic, etc.) on coastal communities, recreational and commercial fisheries must be analyzed. (Exploring potential mitigation for impacted fishermen would be part of this analysis.)**
- 3) The fishing community must be involved in the development in a meaningful manner.**
- 4) An achievable enforcement plan must be developed and implemented parallel with reserve implementation.**
- 5) Initial biological baseline information must be collected and monitoring continued for each reserve area.**
- 6) The funding for study, establishment, monitoring and enforcement of MPA's must be provided. Adequate funding must be in place prior to the establishment of MPA's. The activities revolving around MPA's cannot be an unfunded mandate placing additional economic burdens on local governments and fishing communities.**

In addition, to use marine reserves as a fishery management tool that contributes to groundfish conservation and management goals, marine reserves must have measurable effects, and, marine reserves must be integrated with other fishery management approaches.



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Adopted Unanimously by OCZMA Membership on January 24, 2003 in Salem, Oregon

WHEREAS, the 1,086 square-mile Oregon Territorial Sea is a marine protected area as described in President Bill Clinton's Executive Order No. 13158, and,

WHEREAS, the Oregon Coastal Zone Management Association (OCZMA) adopted a position statement January 11, 2002, regarding expansion of marine protected areas and reserves, and;

WHEREAS, the statement noted that "coastal governments are opposed to any further reductions to commercial and recreational fisheries and the economy and lifestyle of the coast. Before designation of any marine reserves and/or broadening of existing marine protected areas were to occur, the following items must be accomplished," and;

WHEREAS, the statement items included that "the fishing community must be involved in the development in a meaningful manner," and;

WHEREAS, there was overwhelming fishing community opposition to the Oregon Ocean Policy Advisory Council (OPAC) marine reserve plan, at all public meetings on the coast (Brookings, Port Orford, North Bend, Newport and Astoria), but the Council approved the plan anyway and forwarded it to Governor John Kitzhaber, who also approved it, and;

WHEREAS, the Ocean Policy Advisory Council would establish marine reserves as amendments to its Territorial Sea Plan, which when adopted by the Land Conservation and Development Commission (LCDC) become enforceable administrative rules other state agencies are obligated to adopt (ORS 196.435 (2), ORS 196.485 (1) and (2));

NOW, THEREFORE, BE IT RESOLVED, the Oregon Coastal Zone Management Association (OCZMA) rejects the Ocean Policy Advisory Council marine reserves plan and, further, the Association calls on the Oregon Legislature and Governor to amend ORS Chapter 196 to restructure Oregon's coastal and ocean program to make it accountable to and responsive to the concerns of the citizens and local governments of the Oregon Coast.



COUNCIL AGENDA REPORT

To: Mayor & City Council

From: Public Works Director

Date: October 3, 2007

Subject: Parks and Recreation Commission recommendation regarding the allowable number of consecutive, unexcused absences from their meetings.

Recommendation: Provide direction regarding the Parks and Recreation Commission's recommendation to amend Section 2.50.050, Removal/Vacancies under Chapter 2.50, Parks and Recreation Commission of the Brookings Municipal Code, to change the allowable number of consecutive, unexcused absences from two to three meetings.

Background /Discussion: On March 22, 2007, the Parks and Recreation Commission moved to amend the ordinance regulating the number of consecutive, unexcused absences a Commissioner may have before being "rebuttably presumed to be in nonperformance of duty," from two unexcused absences to three. The commission does not have the authority to amend ordinances, only to recommend to Council that the ordinance be amended.

At the present time, the two consecutive absences rule applies to both the Parks and Recreation and Planning Commissions.

Financial Impact(s):
None

City Manager Review and Approval for placement on Council Agenda:

Gary Milliman City Manager

MINUTES
BROOKINGS PARKS AND RECREATION COMMISSION
March 22, 2007

CALL TO ORDER

Chair Tony Parrish called the meeting to order at 7:05 pm followed by the Pledge of Allegiance.

ROLL CALL

Commissioners present: Frances Hartmann, Patricia Brown, Michelle Benoit, Elizabeth Grodin and Chair Tony Parrish. Introduction and welcome to new commissioner Elizabeth Grodin.

Commissioners absent: Don Vilella, Haley Farr

Staff Present: John Cowan, Director of Public Works. *Others Present:* Jan Willms, City Councilor.

PUBLIC APPEARANCES

Pauline Olsen of Friends of Trees gave an overview of their mission statement and activities. Encouraged developers to leave trees when possible and noted that the dying Weeping Brewer Spruces at Azalea Park are from the Siskiyou and not native to this area. Arbor Week celebrations to be the first week in April.

Barbara Glazebrook – Brookings-Harbor Adult Softball League, discussed how they are saving money to redo restrooms and drinking fountains at the ballfields. They would like direction as to how to proceed and were invited to attend the Azalea Park Master Plan Workshops.

REGULAR AGENDA

Acquisition of Easy Manor Park Playground Equipment. Mayor Pat Sherman spoke of obtaining new playground equipment at Easy Manor Park and the availability of a possible state grant with a 50/50 match up to 15% of total project costs in the 2007-08 budget year. Michelle Benoit, Pat Brown, Pat Sherman & Jan Willms will work on a plan for Easy Manor Park, possibly to include an ice cream social with parents & kids to pick out playground equipment.

Distribution of the ordinance establishing the Parks and Recreation Commission and conducting a preliminary discussion of the Commission's mission/assignment/meeting schedule/etc. Frances Hartmann read the Parks and Recreation Commission ordinance. Motion was made to keep the ordinance the same except to amend Section E to read: if three meetings are missed in a fiscal year, seat on commission is forfeited and the motion carried unanimously.

INFORMATION UPDATES:

- A. *Park Use Surcharge* – tabled until Master Plan for Azalea Park addressed.
- B. *Prioritize Parks Commissioner's Budget Wish Lists* – tabled.
- C. *Azalea Park Master Plan* – contacting original author for an update.
- D. *Stout Mountain Railway* – Tony Parrish working on, will obtain further information.
- E. *Lions in the Park after Dark Film Festival* – Tony Parrish working with Lions Club to put up an inflatable screen at the bandshell to show movies during the summer. Will provide more details later.

COMMISSIONER REPORTS/COMMENTS

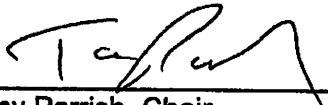
City Councilor Jan Willms advised everyone of the Azalea Park Foundation Park Clean up on April 14th.

Dave Lentz, Tony Parrish and Michelle Benoit met at Lower Stout Park to discuss the dry/wet creek bed going diagonally through the lower park between Manley Art Center and Redwood Street.

ADJOURNMENT

With no further business before the Commission, the meeting adjourned at @8:00 pm.

Respectfully submitted,



Tony Parrish, Chair

(approved at April 26, 2007 meeting)

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2. Parks and recreation policy;
3. Master plan for parks and recreation facilities;
4. Ordinance No. 91-O-482;
5. Resolution No. 91-R-501;
6. Ethics Guide for Public Officials;
7. Tour of park areas. [Ord. 93-O-482.A, §§ 4, 5; Ord. 91-O-482 § 4.]

2.50.050 Removal/vacancies.

A member may be removed by the city council, after hearing, for misconduct or nonperformance of duty. A member who is absent from two consecutive meetings without the permission of the commission chairperson, or chairperson when absent without permission from the vice chairperson, is rebuttably presumed to be in nonperformance of duty, and the city council shall declare the position vacant unless finding otherwise following the hearing. All vacancies on the commission shall be filled by appointment by the mayor, with the approval of the city council, for the unexpired term. [Ord. 93-O-482.A § 6; Ord. 91-O-482 § 5.]

Chapter 2.55

PLANNING COMMISSION

Sections:

- 2.55.010 Creation of city planning commission.
- 2.55.020 Definition.
- 2.55.030 Qualifications of members.
- 2.55.040 Terms of office.
- 2.55.050 Removal/vacancies.
- 2.55.060 Election of chairperson and vice-chairperson.
- 2.55.070 Staffing, training, expenses and compensation.
- 2.55.080 Quorum, rules, meetings.
- 2.55.090 Conflict of interest and disclosure.
- 2.55.100 General duties and responsibilities of the commission.
- 2.55.110 Particular duties of the commission.
- 2.55.120 Submittal of all maps, plats and replats of land within the city limits to be submitted to the commission.
- 2.55.130 Renaming of streets or roads.
- 2.55.140 Ordinances and petitions pertaining to land use to be submitted to planning commission.
- 2.55.150 Receiving of gifts, bequests, or devises of property.

2.55.010 Creation of city planning commission.

There is hereby created a city planning commission for the city of Brookings which shall henceforth be known as the Brookings city planning commission. [Ord. 91-O-483 § 1.]

2.55.020 Definition.

The term "commission" as used in this chapter shall mean and be the Brookings city planning commission. [Ord. 91-O-483 § 2.]

2.55.030 Qualifications of members.

A. The commission shall consist of seven voting members to be appointed by the mayor with the approval of the city council. At least five of the voting members shall be electors of the city of Brookings; two may be electors who reside within the city of Brookings adopted urban growth boundary. These members shall not be officials or employees of the city. In addition to the members appointed by the mayor, the city planning director shall serve as ex officio nonvoting member of the commission.

B. No more than two of the voting members may engage principally in the buying, selling or



COUNCIL AGENDA REPORT

To: Mayor & City Council

From: City Manager

Date: October 2, 2007

Subject: Memorandum of Understanding and Intergovernmental Agreement with Harbor Sanitary District.

Recommendation: Approve the City's updated Memorandum of Understanding and Intergovernmental Agreement with the Harbor Sanitary District for sewage treatment.

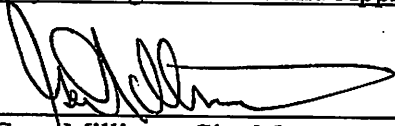
Background /Discussion: The City of Brookings and the Harbor Sanitary District have entered into a series of past agreements regarding the treatment of sewage from the Harbor Sanitary District by the Brookings Sewer Treatment Plant. The past and current agreements provide that the City of Brookings Sewer Treatment Plant will process the sewage from the Harbor Sanitary District and the District will compensate the City for that process. The exact method of payment has been modified down through the years. The District has agreed to pay its share of the cost of capital improvements to the Sewer Treatment Plant, transmission facilities and outfall system and to pay user fees for its share of the operation, maintenance and replacement of those facilities.

The current Memorandum of Understanding does not expire until June 30, 2008. However, the Harbor Sanitary District began paying the new composite rate of \$3.705 per 100 cubic feet of flow on July 1, 2007. The new composite rate includes the cost of operations, capital and debt associated with the plant. The Memorandum of Understanding and Intergovernmental Agreement on the agenda update the previous agreements.

The Harbor Sanitary District will continue to adopt the City's SDCs by resolution. However, the new agreements provide that the SDCs will be paid directly to the City of Brookings by applicants for sewer hookups in the Harbor Sanitary District. The new Memorandum of Understanding and Intergovernmental Agreement do require more cooperation and the exchange of more information than previously required. The Memorandum of Understanding and Intergovernmental Agreement do not fundamentally change the responsibilities of the City of Brookings and the Harbor Sanitary District as expressed in historical agreements.

Financial Impact(s):
None.

City Manager Review and Approval for placement on Council Agenda:

A handwritten signature in black ink, appearing to read 'G. Milliman', written over a horizontal line.

Gary Milliman City Manager

INTERGOVERNMENTAL AGREEMENT

This Agreement is between the Harbor Sanitary District, a Sanitary Sewer District organized and operated pursuant to the provisions of ORS Chapter 450, and the City of Brookings, a municipal corporation, organized and operated pursuant to the Constitution and Statutes of the State of Oregon and its City Charter.

Recitals:

- 1) The City of Brookings (the City) is a municipal corporation, organized and operating under the Constitution and laws of the State of Oregon and its City Charter.
- 2) The Harbor Sanitary District (the District) is a Sanitary Sewer District, organized and operated under the provisions of ORS Chapter 450.
- 3) The City owns and maintains public wastewater treatment plant and facilities. The City and the District both discharge sewage into the City's Wastewater Treatment Plant.
- 4) The District operates and maintains a collection system for sewage to serve the customers of the District. The District does not have facilities for the treatment of the sewage collected. The sewage collected by District is discharged into the City's Wastewater Treatment Plant for treatment.
- 5) The City operates the Treatment Plant pursuant to authorization and permits issued by the Oregon Department of Environmental Quality (hereinafter DEQ). As a condition of the renewal of the City's permit to continue to operate its Treatment Plant, the City has agreed to make capital improvements to its Treatment Plant based on specified requirements from DEQ.
- 6) The City of Brookings and the Harbor Sanitary District have entered into a Memorandum of Understanding dated June 26, 1989, resolving then pending litigation between the two parties and a subsequent Inter-governmental Agreement dated October 25, 1989 implementing said Memorandum of Understanding.
- 7) The Memorandum of Understanding provides that the Harbor Sanitary District will pay System Development Charges established by City Ordinance for replacements and improvements to the Sewage Treatment Plant serving the City and the District.
- 8) The Inter-governmental Agreement provides that the Harbor Sanitary District will collect and transmit to the City certain System Development Charges (SDC's) pursuant to the Memorandum of Understanding and based on City Ordinance #87-O-

418, and, further, that all SDC's collected by the District, under District Ordinance #53 are to meet the requirements of City Ordinance #87-O-418.

9) The Board of Directors of the Harbor Sanitary District has previously enacted an ordinance on July 4, 1992, known as Ordinance No. 92-1, establishing a System Development Charge in part for Sewage Treatment Plant and Outfall System Capacity expansion and repealing District Ordinance 53.

10) On May 8, 2007, the Board of Directors of the Harbor Sanitary District adopted Ordinance 07-01-O, repealing Ordinance 92-1 and all subsequent Ordinances establishing System Development Charges and Related Procedures.

11) Section 8.04 (B) of Ordinance 07-01-O provides that the System Development Charge rate shall be established or revised by Resolution of the Board of Directors of the Harbor Sanitary District.

12) The System Development Charge established by Resolution 82, dated July 14, 1992, revised by Resolution 01-06-R, adopted by the Board of Directors of the Harbor Sanitary District on June 12, 2001, further revised by Resolution 03-11-R adopted by the Board of Directors of the Harbor Sanitary District on September 9, 2003 and last revised by Resolution 06-03-R, adopted by the Board of Directors on June 13, 2006 is now in need of revision as a result of the City of Brookings adopting Resolution 06-R-748 on January 23, 2006, which revised the City's System Development Charge due to the report on System Development Charges by The Dyer Partnership Engineers & Planners, Inc. dated January, 2006, and such revised SDC is currently set by City of Brookings Resolution 06-R-748 in the amount of \$4,943.00 per EDU and by the adoption of Ordinance 07-01-O by the Harbor Sanitary District.

13) The City and District now desire to enter into an Intergovernmental Agreement which will provide the framework and mechanism for the District to charge the SDC for the City's Wastewater Treatment Plant and for future upgrades to the Wastewater Treatment Plant that benefit the District, established by the City, in the amount of \$4,943.00, to all new connections to the District, and any existing connection where there has been a change in use which causes an increase in the flow of sewage, and to transmit the SDC collected to the City to assist the District in paying its proportionate share of the cost of the capital improvements required for City's Wastewater Treatment Plant.

14) It is in the public interest that the City and the District enter into an Intergovernmental agreement, pursuant to ORS 190.010, to accomplish the purpose set forth above.

AGREEMENT

Section 1: Recitals:

The above recitals are accurate and are incorporated in this Agreement by reference.

Section 2: City Billing for Wastewater Treatment Plant No. 2:

(A) Annually, as early as possible, and in no event later than April 30th of each year, City shall transmit to District its proposed draft budget for the operation of City's Wastewater Treatment Plant. The draft budget shall include the revenues the City anticipates for Wastewater Resources, including the proposed revenues to be collected from District, the Administration Division expenses and Wastewater Plant expenses, and any Wastewater Plant capital expenses listed elsewhere in the budget. City shall also submit District information on the annual expenditures due from City for the capital improvements for its Wastewater Treatment Plant which are eligible for payment from SDC funds.

Section 3: District Share of Capital Expenditures for City's Wastewater Treatment Plant:

(A) District agrees to pay City its proportionate share of the cost incurred by City to finance those capital improvements eligible for SDC funding to its Wastewater Treatment Plant. City will provide to District, within 60 days of the date of this Agreement, its best estimate of the total cost of the capital improvements to its Wastewater Treatment. In addition, annually, as early as possible and in no event later than April 30 of each year, City shall provide written notice to District of the amount of its annual payment due for the cost of the capital improvements to its Wastewater Treatment Plant for the next fiscal year.

The District's estimated proportionate share of the annual expense for said capital improvements shall be determined by multiplying the District's percent of flow treated by City's Wastewater Treatment Plant by the anticipated annual expense due to City for said capital improvements. Also at such time the prior year's actual payments from the District will be reconciled against what the actual annual expenses were for the previous fiscal year capital improvements. If there is a credit due, it will be applied against the upcoming estimated annual payment. If there are additional monies due, the difference will be due with the date such monies are due being negotiated between the District and the City so as to provide the City with the additional funds in a timely manner while still providing the District sufficient time to fund the deficit.

The parties agree that District shall continue to calculate the proportionate share of its flow transmitted to City's Wastewater Treatment Plant for treatment, for the purposes of this section, in the same manner as District has calculated the proportionate share of its

flow for purposes of determining District's share of annual Operation and Maintenance cost for City's treatment plant.

Section 4: District Payments to City of SDC Collected:

(A) The District agrees to pay to the City System Development Charges as established by the City for capital improvements made by the City for its Wastewater Treatment Plant. The SDC established by the City for capital improvements to its Wastewater Treatment Plant is currently set by City Resolution 07-R-770. City anticipates that the Wastewater SDC will increase on an annual basis pursuant to Section 10.1 of City Resolution 06-R-748. Harbor Sanitary District agrees to adopt, by District Resolution, the SDC established by City in future City resolutions amending its SDC, upon notice from City to District that City has amended its SDC for Wastewater.

When the District receives an application for a new connection to the District's sewer system, District shall refer the applicant to City for direct payment to City for the City's current System Development Charge as provided herein. City will provide each applicant with a receipt for payment of the City's System Development Charge for presentation to District. District agrees not to permit any new connection to the District's sewer system until it has verified that the applicant has paid the City the System Development Charge as established by City Ordinance.

Section 5: Credit by City for SDC Collected by City:

(A) The City shall credit each SDC it receives from an applicant for a new sewer connection within District only to those expenses eligible for payment by SDC monies. All System Development Charges collected by City pursuant to this agreement shall be applied by City, and credited to District, to District's proportionate share of amounts due from City for the Department of Environmental Quality SRE Loan Number R18230. City shall provide District an annual accounting of all SDC monies received by City showing the application of said SDC monies to those expenses eligible for payment by SDC charges as defined herein. City shall not apply any SDC monies collected by District and transmitted to City to annual operations and maintenance expenses for its Wastewater Treatment Plant.

(B) After the application of all SDC monies collected by City for expenses eligible for payment by SDC monies, if the SDCs collected by City for new connections within District are not sufficient to pay, in full, the District's proportionate share of the annual City expenditures for capital improvements to its Wastewater Treatment Plant, District shall pay to City the balance due on such expenses. District may use any funds collected from users of the District, whether from User Fees or otherwise to pay any annual balance due City.

(C) After the application of all SDC monies collected by City for expenses eligible for payment by SDC monies, if the SDCs collected by City exceed the annual amounts due from District to City for the District's proportionate share of the DEQ SRF Loan

#R18230 payment, any excess SDC monies collected by City shall be credited to the annual City expenditures for payment of the DEQ SRF Loan pursuant to this agreement for the next succeeding year.

Section 6: Merger:

This agreement sets forth the entire understanding of the parties with respect to the subject matter of this agreement.

Section 7: Severability:

If any provision of this agreement shall be invalid or unenforceable in any respect for any reason, the validity and enforceability of any such provision in any other respect and of the remaining provisions of this agreement shall not be in any way impaired.

Section 8: Modification:

This agreement may not be altered, modified, supplemented, or amended in any manner whatsoever, except by mutual agreement of the parties in writing. Any such modification, supplementation, or amendment, if made, shall be effective only in the specific instance and for the specific purpose given, and shall be valid and binding only if signed by the parties to this agreement.

Section 9: Termination:

This Agreement may be terminated by either party for any reason. The effective date of termination shall be the date either the Board of Directors of District or the City Council approves a resolution to terminate the Agreement.

Section 10: Effective Date.

This agreement shall become effective only after adoption by the governing body of both City and District, and shall become effective on the date stated in the adopting resolution.

Section 11: Implementation.

This agreement is implemented through the Memorandum of Understanding between City and District, effective July 1, 2007.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the _____ day of September, 2007.

CITY OF BROOKINGS

By: _____
Mayor, City of Brookings

HARBOR SANITARY DISTRICT

By: _____
Ken Simmons, Chair Harbor S.D.

SECOND DRAFT - 9-05-07

MEMORANDUM OF UNDERSTANDING

The City of Brookings, an Oregon municipal corporation, (hereinafter referred to as "City") and the Harbor Sanitary District, a municipal corporation of the State of Oregon, (hereinafter referred to as "District") enter in to this Memorandum of Understanding ("MOU") effective on July 1, 2007.

FACTS.

The City and District have entered into past agreements regarding their mutual responsibilities for the Brookings Sewage Treatment Plant, transmission facilities and outfall system. The past agreements referenced herein are the Memorandum of Understanding between the Harbor Sanitary District and the City of Brookings, dated June 26, 1989 and an Intergovernmental Agreement between the Harbor Sanitary District and the City of Brookings dated October 25, 1989. This Memorandum of Understanding is to further implement the 1989 Memorandum of Understanding and Intergovernmental Agreement, but does not terminate or modify either the 1989 Memorandum of Understanding or Intergovernmental Agreement. The City has previously agreed to accept sewage collected by District subject to the City's sewage use and rate ordinances and resolutions. The District has agreed to pay its share of the cost of capital improvements to the Sewage Treatment Plant, transmission facilities and outfall system and to pay user charges for its share of the operation, maintenance and replacement of those facilities.

DISTRICT SEWER RATE.

Harbor Sanitary District's sewer rate is established by this agreement of the parties at the composite rate of \$3.705 per 100 cubic feet of flow. The \$3.705 per 100 cubic feet of flow sewer use rate is a composite rate and includes the District's share for the operation and maintenance of the Brookings Waste Water Treatment Plant, set at \$2.276 per 100 cubic feet of flow, and the District's share of the City's annual payments for the DEQ SRF loan, loan number R18230, for monies spent for DEQ required improvements to the City's sewage treatment plant. The portion of the composite rate for the District's contribution to the City's annual payments on the DEQ SRF loan is set at \$1.429 per 100 cubic feet of flow. Of the total amount set for the District's contribution to the City's annual payments on the DEQ SRF loan, \$1.429, seventy five percent (75%), or \$1.072 of this portion of the composite rate, is eligible for reimbursement by application of System Development Charge funds. The City agrees to send to the District, a separate monthly invoice specifically for the DEQ SRF loan debt. The City further agrees to apply all System Development Charge monies collected from District for connections within the District only to the annual debt due from the City to the DEQ on the SRF loan referenced herein, and not to any operation and maintenance expenses. The City agrees to apply all funds received from the District, in payment of the City's sewer rate charges, to the sewer rate charges established by this

MEMORANDUM OF UNDERSTANDING

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Agreement. The sewer rate set at \$3.705 per 100 cubic feet of flow will be reviewed and, if necessary, a new rate will be renegotiated no later than five (5) years from July 1, 2007.

The District's flow for the period of July, 2007 through June, 2008 will be evaluated due to the installation of a new flow meter by the District during 2007. The District's sewer rate will be based on the analysis of the District's flow compared to the City's flow as a percent of the total. The analysis may result in an adjusted sewer rate for the District.

RECEIPT OF THE DISTRICT'S SYSTEM DEVELOPMENT CHARGES BY THE CITY.

The City agrees to accept and apply all System Development Charge (SDC) payments it receives from any entity seeking to connect to the District's sewer system to the District's monthly invoice for the City's DEQ SRF loan #R18230 payment. When the District receives an application for a new connection to the District's sewer system, District shall refer the applicant to City for direct payment to City of the City's current System Development Charge. City will provide each applicant with a receipt for payment of the City's SDC for presentation to District. District agrees not to permit any new connection to the District's sewer system until it has verified that the applicant has paid the City SDC to the City. City agrees that any SDC so collected will be applied only to the balance due on the DEQ SRF Loan #18320, and not to any operations and maintenance charges due from District.

TERM OF MEMORANDUM OF UNDERSTANDING.

The term of this Memorandum of Understanding will be for a period of five years from July 1, 2007.

FUTURE AGREEMENTS.

The parties agree that future obligations of the District to make payments for the replacements and improvements to the City's Sewer Treatment Plant, transmission facilities and outfall system depend upon the operations and maintenance expenses for those facilities and the percentage of sewage contribution to the system by the District. It is understood that the District will only pay on the basis of the District's use of the system.

IN WITNESS WHEREOF, the authorized representatives of the City and District as parties hereto pursuant to the authority granted to them hereby approve this Memorandum of Understanding and accept the provisions contained herein.

MEMORANDUM OF UNDERSTANDING

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CITY OF BROOKINGS

Date: _____

Mayor

City Recorder

HARBOR SANITARY DISTRICT

Date: _____

Board Chair

Board Member

Board Member

Board Member

Board Member

MEMORANDUM OF UNDERSTANDING

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Minutes
City of Brookings
Common Council Meeting`
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon 97415
Monday, September 24, 2007

Call to Order

Mayor Sherman called the meeting to order at 7:00pm.

Roll Call

Council Present: Mayor Pat Sherman, Council President Larry Anderson, Councilors Dave Gordon, Ron Hedenskog and Jan Willms; a quorum present.

Staff Present: City Manager Gary Milliman, Public Works Director John Cowan, Administrative Assistant Joyce Heffington.

Media Present: Curry Pilot Reporter Tom Hubka

Other: Approximately 10 public.

Ceremonies/Appointments/Announcements

Councilor Gordon moved, a second followed and Council voted unanimously to appoint City Manager Gary Milliman to the Southwest Area Commission on Transportation (SWACT) and Public Works Director John Cowan to serve as alternate.

Scheduled Public Appearances

Port Commissioner Jim Relaford presented information regarding the Ocean Marine Reserve Policy. Generally, Relaford stated that an inordinate number of reserves were scheduled to be created along the Oregon Coast with no clear scientific basis for their need and that the establishment of these reserves would seriously jeopardize the area's fishing community. Relaford requested that Council either adopt a resolution such as that adopted by various ports along the coast, or write a letter requesting information as to the reason and science behind the State's decision.

After some discussion, Council generally agreed that more information was needed before taking any action and Mayor Sherman stated that she would be attending the League of Oregon Cities Annual Conference later in the week and would see what information she could obtain on this subject.

Public Comments

Victoria Snow, PO Box 404, Brookings, and Harry Hoogestager, Brookings, generally requested that Council consider funding the South Coast Watershed's water conservation education program.

Council Liaison Reports

Councilor Willms attended a hospital conference in Gold Beach, two City workshops, and the Easy Manor Park Ice Cream Social; participated in Litter B Gone, and attended meetings of the Brookings Harbor Education Foundation, County Recycling and the Urban Renewal Advisory Committee.

Councilor Anderson attended three High School related and two City meetings, including a meeting of the Land Development Code Committee.

Mayor Sherman attended meetings of the Azalea Park Foundation, the Brookings Health Clinic and Curry General Hospital Board; participated in the Easy Manor Park Ice Cream Social, attended the Coastal Caucus in Lincoln City, the Aspire Barbeque and a Council workshop on Water Conservation.

Councilor Hedenskog attended a city meeting and participated in Litter B Gone.

Councilor Gordon participated in an emergency conference call meeting of the Curry County Commission for Children and Families.

Regular Agenda

Mayor Sherman asked Council to consider authorizing the City to write a letter of support for the School Based Health Clinic for Brookings Harbor.

Councilor Gordon moved, a second followed and Council voted unanimously to write a letter in support of the School Based Health Clinic.

City Manager Milliman presented the staff report regarding the contract award for the 2.0 Million Gallon Steel Reservoir and Transmission Main Improvement Project.

Councilor Hedenskog moved, a second followed and Council voted unanimously to award the contract for the 2.0 Million Gallon Steel Reservoir [and Transmission Main] Improvement Project, #04.84, to Aquastore [at a cost not to exceed \$2,359,800.]

City Manager Milliman presented the staff report regarding the Base Level Booster and Transmission Main Improvement Project

Councilor Anderson moved, a second followed and Council voted unanimously to reject all bids for Base Level Booster and Transmission Main Improvements [Project, #06-105, and direct staff to develop alternate project design].

City Manager Milliman presented the staff report regarding the North Bank Road Water Line Improvement Project.

Councilor Hedenskog moved, a second followed and Council voted unanimously to award the contract for Project, #06-101, [North Bank Road] Water Line Improvement to Tidewater [Contractors, Inc. with the alternative for PVC pipe, for a cost not to exceed \$601,300.60].

City Manager Milliman presented the staff report regarding the contract for a sewer rate study. Councilor Anderson requested that the study include researching costs relating to certain types of sewage, such as that created by restaurants, salons and dog grooming businesses.

Councilor Willms moved, a second followed and Council voted unanimously to authorize the City Manager to contract for the preparation of a sewer rate study in an amount not to exceed \$25,000; to contract for an update in the project cost; and to take all necessary actions to seek and to secure funding for the Biosolids Treatment System project through the Oregon Economic and Community Development Department (OECDD) Special Public Works Fund.

City Manager Milliman reviewed the recommendations for funding under the Community Relations Fund Program.

Councilor Anderson moved, a second followed and Council voted unanimously to approve funding to community based organizations as listed in the Council Agenda Report [\$50 to Girl Scout Troop 581 for food collection program, \$250 to His Haven of Hope Thanksgiving Dinner Program, \$250 to Friends of Trees "Remarkable Trees" brochure, \$500 to Oasis Shelter's domestic violence counseling program, and \$950 to Vietnam Veterans of America for the 4th of July Firework Event].

Consent Calendar

1. August 27, 2007
2. September 10, 2007

Councilor Willms moved, a second followed and Council voted unanimously to approve the Consent Calendar as written with minutes of August 27, 2007 corrected to show that City Attorney John Trew was not in attendance.

Remarks from Mayor and Councilors

Mayor Sherman asked if there had been any response from the County Commissioners to the letter written by the City Manager asking for joint workshop to discuss the Mixed Use Master Plan.

City Manager Milliman generally stated that there had not been a response and suggested that he call to confirm that the letter was received. Council directed him to do so.

Councilor Anderson asked that there be a well documented paper trail regarding communications with regards to this issue.

Councilor Willms remarked that 41 people participated in the Litter B Gone clean-up and 6 cubic yard of trash were picked up.

Adjournment

Councilor Gordon moved, a second followed and Council voted unanimously by voice vote to adjourn to the meeting of the Urban Renewal Agency at 8:17pm.

Respectfully submitted:

ATTEST by City Recorder
this ____ day of _____, 2007:

Pat Sherman
Mayor

Joyce Heffington
Interim City Recorder

MINUTES
BROOKINGS PLANNING COMMISSION
September 4, 2007

The regular meeting of the Brookings Planning Commission was called to order by Chair Markham at 7:05 in the Council Chambers at the Brookings City Hall on the above date with the following Commission members and staff in attendance.

Commissioners Present:

Steve Bismarck	Hedda Markham
Bill Dundom	Bruce Nishioka
Randy Gorman	Richard Yock
Juliane Leighton	

Staff Present:

Dianne Morris, Planning Director, Donna Colby-Hanks, Senior Planner, and Cathie Mahon, Secretary.

Media: Coastal Pilot reporter, Tom Hubba

Other: Approximately 50 participants in the audience

CHAIR ANNOUNCEMENTS

Chair Markham announced a change in the agenda. The PUD and County Referral would be heard followed by the Downtown Business District.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON WRITTEN REQUESTS AND COMMUNICATIONS

None.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON FINAL ORDERS

None.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

1. By a 6-0-1 vote (Motion: Commissioner Bismarck; 6 votes were in favor of the motion with Commissioner Bismarck abstaining due to being late to the hearing) the Planning Commission approved File No. **PUD-1-07/SUB-2-07**, an application for a 40 lot subdivision in the form of a Planned Unit Development (PUD) on a 4.68 acre parcel of land; to be known as *Ocean Winds at Brookings*, located at on the north of Chetco Avenue at the terminus of Lucky Lane; Assessor's Map 41-13-06BD, tax lots 2000, 2300, and 2302; zoned R-3 (Multi-family Residential), South Curry Development LLC, applicant; Jim Maize, representative.

Commissioners Dundom, Gorman, Leighton and Markham declared a site visit. Commissioner Dundom stated he sent a letter to the applicant but did not receive a response. He stated he could hear the case without bias. There was no challenge from the audience as to the jurisdiction of the Commission to hear the request.

The action was taken following questions and comments regarding the request from the following:

Jim Maize, representative	P. O. Box 628	Medford, OR 97504
Dean Kenyon	555 Chetco Lane	Brookings, OR 97415
Ryan Young, Stover Engineering	P. O. Box 783	Crescent City, CA. 95531
Sandra Ensley (950 Pioneer)	P. O. Box 1763	Brookings, OR 97415
Celia Weaver	580 Chetco Avenue	Brookings, OR 97415

Read into the record was a letter from:

Diane Randozzi-(owner of 609 Easy Manor) 1920 Midway Dr. Santa Rosa, CA 95405

The Conditions of Approval document was amended to include the following:

General Conditions:

- 9) The CCR's must also state the open space, landscaping and *on-site storm drainage facilities* and owned and maintained by the Home Owner's Association.
- 11) *A final landscape plan will be provided prior to scheduling a hearing for final approval of the plat.*
- 12) *A solid, 6-foot, sight-obscuring fence must be constructed on the perimeter of the subject property.*

Street Conditions:

- 5) A minimum of two street lights shall be placed on West Winds Court and a minimum of 5 street lights on the East Winds Court street systems. *The light(s) shall be directed away from adjoining properties.*

Water System Conditions:

- 3) *The water main shall connect Phase I and Phase II between lots 19 and 26. A 15 foot utility easement in this location must be shown on the plat.*

The applicant waived their right to seven (7) additional days in which to submit written testimony.

2. By a 7-0 (Motion: Commissioner Gorman) the Planning Commission approved the Final ORDER, Findings of Fact, and amended conditions for File No. **PUD-1-07/SUB-2-07**.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION COUNTY REFERRELS

1. By a 7-0 vote (Motion; Commissioner Markham) the Planning Commission will send a favorable recommendation to the County to approve File No. **CR-Z-0704**, a request for a rezone of a 3.48 acre parcel, located at 15609 Hwy.101, approximately ¾ miles south of Benham Lane; Assessor's Map 41-13-10CC, Tax Lot 2600 and 41-13-15B, Tax lots 201 and 202. The request is a zone change from RC (County Rural Commercial) to C-2 (Heavy Commercial) for the purpose of expanding an existing RV park for RV sales; Roy and Teresa Vance, applicants.

The following recommendations will be forwarded to the County:

- The applicant provides written confirmation from Oregon Department of Transportation (ODOT) regarding access and impact on Highway 101.
- The applicant provide written confirmation for septic/sewer service.

Chair Markham called for a short recess at 8:50 p.m. The meeting reconvened at 8:55 pm.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

The Chair opened the public hearing for File No. **LDC-1-07**, an implementation of a plan for the redevelopment of the downtown area of Brookings, by creating a new Downtown Business District (DBD) zone. Under consideration is Ordinance No. 07-O-593, titled Chapter 17.54. The ordinance provides for permitted uses, building setback standards and other requirements that differ from the existing C-3 (General Commercial) zone. The subject area is the first tier of parcels on the north side of Highway 101 (Chetco Avenue) from Center Street to Oak Street to the north side of Railroad Street to Center Street, and from Center Street to Alder Street on the east. City initiated amendment. The Planning Commission will make a recommendation to the City Council.

When the commissioners were asked to declare ex parte due or a site visit, Commissioner Nishioka stated he conducts his business (law firm at Hemlock Street) in the subject area. He stated he had conversed with some (of the businesses) and read *The Pilot* (newspaper). Chair Markham stated she has several neighbors who have their business in the zone area. All commissioners declared familiarity to the proposed zone area and properties. All commissioners declared they had read the September 1, 2007 article in *The Pilot* regarding the proposed downtown district. There was no challenge from the audience as to the jurisdiction of the Commission to hear the request.

Planning Director Morris read into the record a document detailing the background information for the creation of the Downtown Business District (DBD) Also read into the record was a letter from Mr. Babin. Letters included in the packet and received after the packet was distributed were from the following:

Exhibit A Draft copy of Chapter 17.54, creation of DBD

Exhibit B:

Gary & Karen Kerr, Azalea Lanes	410 Oak	Brookings, OR
Leon Walker, Coast Auto Center	530 Chetco Avenue	Brookings, OR
Ron Walker, Coast Auto Center, president	530 Chetco Avenue	Brookings, OR

Exhibit C:

Steve Bismarck, Planning Commission Commissioner	270 Allen Lane	Brookings, OR
John Babin, Attorney at Law	517 Chetco Avenue	Brookings, OR

Testimony was given by the following:

Proponents (favoring the business zone).

Pete Chasar, Brkings Urban Renewal Authority Chairman	935 Marina Hts.	Brookings
Rich Roberts, Roberts & Associate Engineering	611 Spruce	Brookings

- Exhibit D 6 photos of dumpsters located in the DBD area

Opponents:

Rick Bishop, Bishop Automotive	620-625 Spruce St.	Brookings
Bob Minshew, The Gallery Restaurant	515 Chetco	Brookings
Karen Kerr, owner of Azalea Lanes	419 Spruce St.	Brookings
Gary Kerr, owner of Azalea Lane	419 Spruce St.	Brookings
• Exhibit E	11 photos of misc.signs in the DBD area	
Ron Walker, President-Coast Auto Center Inc.	530 Chetco	Brookings
Stephen Braun, KURY announcer	260 N. Hazel	Brookings
James Wheeles, Eversun Electronics	636 Hemlock	Brookings
Bob Pieper-owner of Hearth & Home	548 Chetco	Brookings
Bob Hauser	P. O. Box 64	Brookings
Jake Pieper-owner of Hearth & Home	548 Chetco	Brookings
Rick Gray-owner of 502-508 Hemlock	P.O. Box 7880	Brookings
Mark Gatson	531 Spruce	Brookings

The Public Hearing for File No. **LDC-1-07** was closed at 10:20 p.m. Discussion ensued.

By a 7-0 vote (motion: Commissioner Nishioka) the commissioners voted unanimously to continue File No. **LDC-1-07**, in order to give the Commission time to review the testimony and various documents given at the hearing. The Chair announced the continuation would be September 18, 2007.

MINUTES

By a 6-0-1 (motion: Commissioner Nishioka; Commissioner Nishioka abstained due to being absent from the previous meeting of September 4, 2007).

COMMENTS by the PLANNING STAFF

- Planning Director reminded the Commission the regular meeting scheduled for October 2nd has received one file to be heard.
- A reminder to the commissioners to bring the two documents for the Downtown development, the Master Plan and the Master Plan Appendix, to the next meeting so they can be turned in and forwarded to Council for their review.

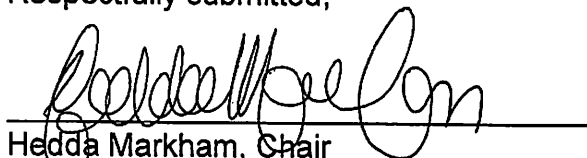
COMMISSIONERS COMMENTS

Commissioner Gorman requested a more concise map for County Referrals.

ADJOURNMENT:

With no further business before the Planning Commission, the meeting closed 10:32 p.m.

Respectfully submitted,



Hedda Markham, Chair

(approved at 10-2-07 meeting)

BROOKINGS PLANNING COMMISSION MINUTES

September 18, 2007

The public hearing of the Brookings Planning Commission was called to order by Chair Markham at 7:00 in the Council Chambers at the Brookings City Hall on the above date with the following Commission members and staff in attendance.

Commissioners Present: Chair Markham, Steve Bismarck, Bill Dundom, Randy Gorman, Julianne Leighton, Bruce Nishioka, Richard Yock

Staff Present: Dianne Morris, Planning Director, Donna Colby-Hanks, Senior Planner, and Cathie Mahon, Secretary.

Media: Coastal Pilot reporter Tom Hubka

Other: Approximately 25 participants in the audience

CHAIR ANNOUNCEMENTS

Chair Markham opened the Public Hearing at 7:03p.m. She announced the hearing was a continuation of File No.LDC-1-07, a consideration of Ordinance No. 07-O-593 titled Downtown Business District (DBD) of Chapter 17.54. The Chair outlined the manner of the meeting. Testimony by participants who have signed in would be heard and any other interested parties. The commissioners and City staff would have the opportunity to review any testimony and ask questions on the material. The public hearing would be closed (for testimony). Deliberation and review of the request from the Commission would follow. A motion would be made to forward a recommendation (either favorable or not) to City Council for their review.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

Planning Director Morris discussed the updated version, changes that were made from concerns expressed at the initial hearing September 4, 2007. The public hearing was left open so all concerned parties would have an opportunity to voice their concerns. A revised version was prepared based on the comments made at the September 4th hearing. A review of the updated version was highlighted:

- Purpose: This district is intended to assist in the creation of *an attractive, economically viable* town center for Brookings;
- Automobile sales, bowling lanes, motion picture theaters, and existing residential use, were added to the Permitted Uses section;
- Short Term Rentals was added to Conditional Uses.
- Building and Pedestrians Amenities: All new commercial structures shall utilize at least six of the following design features. *All new structures shall* utilize at least eight six of the following design features...
- Yard Requirements and Building Orientation-Pedestrian connections *must be constructed* to parking lots at the rear or sides of building. Pedestrian connections from the public sidewalk to *side and/or rear entries must be constructed, if applicable*. (note: italics are changes from the revised version and at the meeting).

Planner Morris concluded her review by stating the DBD was a City initiated zone for revitalization of the downtown area. The revised version of the DBD zone includes Automobile sales and bowling lane businesses have been added to Chapter 17.54.020 Permitted Uses. A clarification that movie theaters are also a permitted uses.

Read into the record, Exhibit F, was a letter from Ron Walker, president of Coastal Auto Center Inc., located at 530 Chetco Avenue. His request was to be excluded from the proposed DBD zone, citing the zoning restrictions as outlined, would impose a hardship for the business and reduce value of their property.

Discussion ensued. Commissioner Bismarck stated the burden of the stakeholders should be proportional to what the City puts in (contributes). He added having a program similar to the current URA (Urban Renewal Advisory Committee) *Facade Improvement Program* with the City matching funds for the improvements. Commissioner Gorman questioned the same concern about available funds to the business owners.

Proponents

Pete Chasar, 935 Marina Heights, stated he is a member of the URA committee. He stated the goal of the DBD zone is to revitalize the downtown and "make Brookings as good as it can be". He added he supports the DBD because it is a start toward that goal.

Planner Morris amplified on that goal. The history of revitalization of the downtown started in 1998 with the PROUD (Proud Revalidation of Urban Downtown) committee. The PROUD committee was a group of property and business owners with the objective of beautifying the downtown area. Their study and findings was adopted in July 2000. Drawing from the PROUD study resulted in the creation of the Downtown Brookings Master Plan published in October of 2002.

Opponents (Brookings)

Karen and Gary Kerr, owners of Azalea Lanes	410 Oak Street
Robert Minshew, proprietor of The Gallery Restaurant	515 Chetco Avenue
Ron Walker, owner of Coastal Auto Center	530 Chetco Avenue
Kim Bishop, owner of Bernie Bishop Mazda	365 Wharf and 620-625 Spruce St.
Bob Pieper, owner of Hearth & Home	548 Chetco Avenue
Michelle Scala, employee of Bernie Bishop	P. O. Box 6251
Elmo Mosman	P. O. Box 87
Mark Gadson, owner of ARC Enterprises	531 Spruce St.
Charlie Kocher, Publisher of <i>The Coastal Pilot</i>	507 Chetco Avenue
James Wheelles, owner of Eversun Electronics	636 Hemlock

Planner Morris read the beginning of the purpose statement into the record.

This district is intended to assist in the creation of an *attractive, economically viable* town center for Brookings. The Downtown Business District (DBD) is defined as the first tier of lots on the north side of Hwy. 101 (Chetco Avenue) from Center St. to Oak St. to the north side of Railroad St. and from Center St. on the west side of Alder St. The district provides a mix of commercial, residential, and civic land uses in a pedestrian-friendly environment. Design standards encourage complementary uses to locate close together, supporting the storefront character of the district and reducing the need for people to drive. Consolidation of the off-street parking into shared parking areas is encourages in lieu of individual parking lots to promote efficient land use and allow for a critical mass of storefront space...

Discussion ensued regarding the purpose statement, adding "*an attractive, economically viable*" town center for Brookings. It was noted and unanimously agreed by the Commission.

Discussion ensued with the key question of what funds will the City provide to assist with improvements such as landscaping, and parking.

A short recess was declared from 8:55 p.m. The meeting reconvened at 9:05.

- Commissioner Gorman inquired about the possibility of returning the proposal back to the City.

Planner Morris responded that was a possibility if an agreement could not be reached at this second hearing. She explained the Land Development Code committee is comprised of representatives from: Council, one from the Planning Commission, a Planner, and the City Manager. She stated perhaps the best course is to continue the hearing and in the meantime issues raised at the hearing would be discussed with the Land Development Committee and the City Manager.

- Commissioner Dundom stated the folks affected (in the DBD district) by the new zone should be at some of the meetings, have some input.
- Commissioner Nishioka stated he wanted to keep the proposal going forward but also wanted a response from the City on what the City envisions for parking and the financial aspect between the City and people within the DBD. A key question would be, would it be an economically viable plan for all parties (City and property owners).
- Commissioner Bismarck pointed out parking is necessary whether it remains the current zone of C-3 (General Commercial), or becomes the new zone-DBD (Downtown Business District). Parking is still an issue that needs to be addressed.
- Commissioner Gorman added public improvements-curb and gutter, sidewalks and streets-would be another key improvement.
- Commissioner Nishioka questioned if the City could provide a "cost analysis" for the infrastructure-ie: curb and gutter, sidewalks, and street improvements.
- Commissioner Gorman and Commissioner Dundom expressed their opinion the DBD is a great start for improving the area but the financial burden should not be totally from the business owners.

Discussion ensued:

- Commissioner Nishioka stated he would like to see it go forward to City Council.
- Commissioner Bismarck stated he thought making a motion to forward the issue to City Council made by 10 o'clock.
- Commissioner Dundom pointed out public testimony reflects only one out of 10 participants is in favor of the proposal.

Commissioner Nishioka made a motion to reject the proposal with the recommendation to City Council that they determine economic incentives to promote the Downtown Master Plan. The motion was seconded but was withdrawn.

Discussion ensued with more input from participants in the audience.

- Ron Walker stated the proposal is flawed, questioned why this area and not the whole downtown area, and commented on the severity of the restrictions.
- Bob Minshew stated he is not convinced the plan would be economically positive, adding he thought if the new zone was implemented, it would devalue his property.
- Rick Gray questioned the sidewalk widths, suggested the City realize it rains 100 inches annually and no one walks on the sidewalks 6-7 months out of the year. He also suggested having the property owners submit their input in written form as an option. He concluded a "moderate compromise" with pedestrian walkways, alley access, and building height are issues to review, before submitting it to City Council

Planner Morris reiterated the choices for making a motion:

- Recommend approval or;
- Recommend approval with conditions or;
- Recommend denial.

By a 2-5 vote (Motion: Commissioner Dundom; Commissioners Dundom, and York voted in the affirmative; Commissioner Bismarck, Gorman, Leighton, Nishioka and Markham voted against the motion) the Planning Commission voted to send a denial of the proposal outlined in File No. **LDC-1-07**, based on public testimony from property owners and business owners within the (DBD) zone. Motion failed.

Discussion ensued.

- Commissioner Leighton stated the potential of sending it to Council is, it stays the same. Perhaps we should look at: the infrastructure, funding options, and boundaries, and see how the City can be accountable to these issues. She suggested reviewing all the factors and having a compromise before sending it to Council. She concluded that everyone wants beautification of the downtown area but the total burden should not be solely on the property/business owners.

Commissioner Bismarck made a motion to deny File No. **LDC-1-07**, based on the degree of the burden of proof achieved by the applicant was sufficiently undermined. In other words-the opponents showed a stronger case than the City. This motion was withdrawn.

By a 4-3 vote (Motion by Commissioner Nishioka; Commissioners Gorman, Leighton, Nishioka and Markham voted in the affirmative; Commissioners Dundom, Bismarck and Yock voted against the motion) the Planning Commission voted to continue the public hearing of File No. **LDC-1-07**, until the next Planning Commission meeting on October 2, 2007, in Council Chambers at 7:00 p.m.

COMMENTS by the PLANNING STAFF

- Planner Morris reminded the Commission the next meeting is October 2, 2007 with the Continuation of LDC-1-07. Also on the agenda is a Conditional Use Permit.

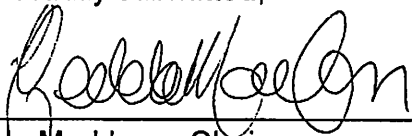
COMMISSIONERS COMMENTS

Commissioner Bismarck commented on the public testimony (heard at the current meeting). He stated when a commissioner asks a participant to answer questions, the participant should be reminded to stay on the topic/issue and not get waylaid into other issues. He suggested that be part of the opening statement before hearing a case. Chair Markham concurred.

ADJOURNMENT:

With no further business before the Planning Commission, the meeting closed 10:12 p.m.

Respectfully submitted,



Hedda Markham, Chair

(approved at 10-2-07 meeting)

Check Register - Summary
 GL Posting Period(s): 09/07 - 09/07
 Check Issue Date(s): 09/01/2007 - 09/30/2007

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09/07	09/07/2007	57882	2407	Blue Star Gas	10-00-2005	870.35
09/07	09/07/2007	57883	1522	Blumenthal Uniforms	10-00-2005	6.00
09/07	09/07/2007	57884	3993	Braden T Stotler	10-00-2005	9.01
09/07	09/07/2007	57885	313	Brookings Vol Firefighters	10-00-2005	2,083.33
09/07	09/07/2007	57886	149	Carpenter Auto Center	10-00-2005	105.16
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09/07	09/07/2007	57892	3834	Clean Sweep Janitorial Service	10-00-2005	700.00
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09/07	09/07/2007	57896	2542	Crystal Fresh Bottled Water	10-00-2005	130.00
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09/07	09/07/2007	57898	3985	Dave Jones	10-00-2005	12.83
09/07	09/07/2007	57899	958	Delaney's Bakery	10-00-2005	36.00
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09/07	09/07/2007	57901	316	Donald & Roberta Chandler	10-00-2005	548.00
09/07	09/07/2007	57902	3844	Donna Colby-Hanks	10-00-2005	74.00
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09/07	09/07/2007	57904	3537	Ennis Paint	10-00-2005	310.99
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09/07	09/07/2007	57916	3726	Kennedy/Jenks Consultants Inc	10-00-2005	8,450.10
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M = Manual Check, V = Void Check

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09/07	09/07/2007	57943	2122	VISA	10-00-2005	1,429.22
09/07	09/07/2007	57944	108	VWR International Inc	10-00-2005	30.44
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09/07	09/14/2007	58005	161	United Communications Inc	10-00-2005	1,531.47
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09/07	09/14/2007	58007	991	Verizon Northwest	10-00-2005	523.73
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09/07	09/18/2007	58012	189	OR Teamster Employers Trust	10-00-2005	13,060.32
09/07	09/18/2007	58013	3433	OR Teamster Employers Trust	10-00-2005	17,724.72
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09/07	09/18/2007	58016	3404	Teamsters Local Union 223	10-00-2005	974.00
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09/07	09/20/2007	58025	173	Curry Equipment Company	10-00-2005	538.11
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09/07	09/20/2007	58036	3998	Marilyn Durham	10-00-2005	6.98
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09/07	09/20/2007	58039	2974	Pat Sherman	10-00-2005	177.90
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09/07	09/20/2007	58041	293	Petty Cash	10-00-2005	271.97
09/07	09/20/2007	58042	866	Pitney Bowes Global Financial	10-00-2005	137.00
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M = Manual Check, V = Void Check

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09/07	09/24/2007	58053	336	Chris Wallace	10-00-2005	23.56
09/07	09/24/2007	58054	4007	Daniel Richardson	10-00-2005	28.90
09/07	09/24/2007	58055	356	Eldon Gossett	10-00-2005	25.86
09/07	09/24/2007	58056	3678	Kenneth Manuele	10-00-2005	702.00
09/07	09/24/2007	58057	4008	Patricia Brown	10-00-2005	11.65
09/07	09/24/2007	58058	2426	SOC-ICC	10-00-2005	125.00
09/07	09/24/2007	58059	1483	Wall & Wall, P.C., CPA's	10-00-2005	14,000.00
Totals:						<u>332,839.46</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____



COUNCIL AGENDA REPORT

To: Mayor, Councilors

From: City Manager

Date: October 2, 2007

Subject: Parks Use Rules and Regulations

Recommendation: Adopt Resolution 07-R-777, Rules and Regulations for Brookings City Parks, as forwarded to Council by the Parks and Recreation Commission.

Background /Discussion:

Following staff's review of the City's Park Use Rules and Regulations for Brookings City Parks, a revised set of Rules and Regulations was forwarded to the Parks and Recreation Commission for consideration and approved by the Commission on September 25, 2007, for Council adoption by resolution. In addition to minor formatting changes to improve readability, the following language was included to further strengthen the City's position when dealing with issues surrounding City park use. New language is highlighted in **bold text**.

8. SIGNS may NOT be attached to *any* city street sign posts or trees. TEMPORARY SIGNS may be posted or displayed in the parks with **prior City Manager approval only**. All signs *must be removed within two hours of an event's conclusion*.
9. **PETS must be leashed at all times and their droppings removed.**
11. FIRES may be built only in designated picnic areas. Fires in park areas *shall be confined* to camp stoves or fireplaces provided for such purposes, such as portable stoves and barbeques. No fire shall be left unattended or be permitted to cause damage to park facilities or areas. Every fire shall be extinguished **with no hot coals remaining** before its users leave the park area.
15. **PARK DAMAGE: Damage to, or removal of, any park vegetation is prohibited. No park facility structure, equipment or furniture shall be modified or painted in any manner.**
16. **CONFLICTS IN USE: Uses that are in conflict with uses already approved shall NOT be allowed. For example, a food concession at the Azalea Park bandshell/stage area shall not be permitted if approval has already been granted for use of the Concession Stand for the same date and time.**

17. SPECIAL REGULATIONS FOR SPECIFIC PARKS OR PARK AREAS:

BANKUS PARK. Approval *must be obtained* from Ray's Market for any activity that will extend into the private parking lot. No amplified sound shall be permitted. Use of said park shall be limited to single-day events, *unless otherwise approved* by the Parks and Recreation Commission.

KIDTOWN: The Kidtown area of Azalea Park may NOT be reserved for private or public events.

SOFTBALL/SOCCER FIELDS: Only City-approved sports groups and associations may reserve the softball/soccer fields.

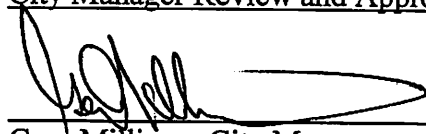
Specific parks or park areas may have *additional restrictions and limitations* as to the types of event and/or number of allowable participants. The City Manager will notify applicants of any such restrictions or limitations.

18. All applicable federal, state and local laws, regulations and ordinances will be enforced. Violators of these will be required to leave the park and may be subject to other penalties. Failure to comply with the rules and regulations shall result in the immediate revocation of the park use permit. Organizations violating any rule, regulation or condition of the park use permit shall be suspended from the use of all city parks for a period of 12 months.

Financial Impact(s):

None.

City Manager Review and Approval for placement on Agenda:



Gary Milliman City Manager

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

In the Matter of Resolution 07-R-777, a resolution adopting Parks Use Rules and Regulations for Brookings City Parks.

RESOLUTION 07-R-777

WHEREAS, the City of Brookings maintains and operates several parks and allows the public to reserve certain park areas for public and private events; and

WHEREAS, it is necessary to regulate certain activities and behaviors within City parks in order to maintain them as clean, safe and attractive environments for use and enjoyment by the public; and

WHEREAS, the following rules and regulations for Brookings City Parks are considered to be both necessary and desirable for this purpose;

NOW, THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Brookings, Curry County, Oregon, that the following Rules and Regulations for Brookings City Parks are hereby adopted:

1. An approved PARK USE APPLICATION FORM is required by all groups using city parks for performances or public gatherings. Applications will be considered for approval on a *first-come, first-served* basis. ANNUAL USES, such as those sponsored by the Azalea Festival, shall not be displaced.
2. PARK HOURS are 30 minutes before sunrise to 30 minutes after sunset, unless otherwise posted. All performances or activities shall cease at the stage area *by sunset*.
3. PERMITS/LICENSES: Obtaining necessary permits and/or licenses is the *applicant's responsibility*. SELLING & SOLICITING shall be allowed by permit only.
4. ALCOHOLIC BEVERAGES: It is UNLAWFUL for any person to drink, consume, transport, carry, or possess any alcoholic beverage, except in the original package with the seal unbroken, *on any public premises*.
5. CAMPING/PARKING: Camping is NOT allowed in any park area and parking is allowed only in designated areas.

6. AMPLIFIERS/MUSIC: Amplified sound and/or music shall be at a level such that it is *contained* within the immediate area, subject to the City Noise Ordinance.
7. CLEAN-UP/TRASH REMOVAL: Clean-up and removal of trash is required after *any event*.
8. SIGNS may NOT be attached to *any* city street sign posts or trees. TEMPORARY SIGNS may be posted or displayed in the parks with prior City Manager approval only. All signs *must be removed* within two hours of an event's conclusion.
9. PETS must be leashed at all times and their droppings *removed*.
10. MOTOR VEHICLES, MOTORCYCLES AND STOCK ANIMALS are not allowed within any park, except for the purpose of set-up, tear-down, event security or by permit, *as applicable*.
11. FIRES may be built only in designated picnic areas. Fires in park areas *shall be confined* to camp stoves or fireplaces provided for such purposes, such as portable stoves and barbeques. No fire shall be left unattended or be permitted to cause damage to park facilities or areas. Every fire shall be extinguished with no hot coals remaining before its users leave the park area.
12. FIREARMS, FIREWORKS or EXPOSIVES are not permitted in the park.
13. BICYCLES, SKATEBOARDS, SKATES or ROLLER BLADES are not permitted except in *designated* park areas.
14. RICE/SEEDS: Throwing of rice or seeds *of any kind*, including bird seed, is prohibited.
15. PARK DAMAGE: Damage to, or removal of, any park vegetation is prohibited. No park facility structure, equipment or furniture shall be modified or painted *in any manner*.
16. CONFLICTS IN USE: Uses that are in conflict with uses already approved shall NOT be allowed. For example, a food concession at the Azalea Park bandshell/stage area shall not be permitted if approval has already been granted for use of the Concession Stand for the *same date and time*.
17. SPECIAL REGULATIONS FOR SPECIFIC PARKS OR PARK AREAS:

BANKUS PARK. Approval *must be obtained* from Ray's Market for any activity that will extend into the private parking lot. No amplified sound shall be permitted. Use of said park shall be limited to single-day events, *unless otherwise approved* by the Parks and Recreation Commission.

KIDTOWN: The Kidtown area of Azalea Park may NOT be reserved for private or public events.

SOFTBALL/SOCCER FIELDS: Only City-approved sports groups and associations may reserve the softball/soccer fields.

Specific parks or park areas may have *additional restrictions and limitations* as to the types of event and/or number of allowable participants. The City Manager will notify applicants of any such restrictions or limitations.

18. All applicable federal, state and local laws, regulations and ordinances will be enforced. Violators of these will be required to leave the park and may be subject to other penalties. Failure to comply with the rules and regulations shall result in the immediate revocation of the park use permit. Organizations violating any rule, regulation or condition of the park use permit shall be suspended from the use of all city parks for a period of 12 months.

Adopted by Council on _____.

Dated and signed this _____ day of _____.

Mayor Pat Sherman

Attest:

Interim City Recorder Joyce Heffington

MINUTES
URBAN RENEWAL AGENCY
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
MONDAY, SEPTEMBER 24, 2007

Call to Order

Chair Pat Sherman called the meeting to order at 8:17pm immediately following adjournment of the City Council Meeting.

Roll Call

Present were Chair Pat Sherman, Directors Larry Anderson, Ron Hedenskog, Dave Gordon and Jan Willms; a quorum present. *Also present* were Executive Director Gary Milliman, Public Works Director John Cowan, Administrative Assistant Joyce Heffington, URAC Chair, Pete Chasar, Curry Pilot reporter Tom Hubka and approximately 2 public.

Director Anderson moved, a second followed and Agency voted unanimously to add to the agenda after the minutes, Director Comments as an agenda item.

Minutes

A. Acceptance of Urban Renewal Advisory Committee minutes for:

1. July 12, 2007
2. August 9, 2007

B. Approval of Urban Renewal Agency minutes for August 13, 2007.

Director Anderson moved, a second followed and Agency voted unanimously to approve the [Minutes] as written.

Comments

Chair Sherman generally stated that she had concerns regarding Façade Improvement Program applicant's changing their projects when the guidelines are clear and they are basically being given tax payer's funds to do their projects.

Generally, the Agency as a whole expressed concern that agreements were not being adhered to. Director Anderson generally stressed that compliance needed to be consistently administered by the Urban Renewal Advisory Committee (URAC) in the future.

URAC Chair Pete Chasar generally stated that the committee had also struggled with these issues but felt that the projects in question merited approval and that the Committee had advised the applicant that the final decision would be made by the Agency.

Regular Agenda

After review by Executive Director Milliman the following Façade Improvement Projects were acted upon by the Agency:

Director Anderson moved, a second followed and the Agency voted unanimously to approve the [Façade Improvement] project for the Redwood Theatre at 621 Chetco Avenue for \$20,000.

Director Anderson moved, a second followed and the Agency voted unanimously to approve the [Façade Improvement] project at 609 Chetco Avenue [for \$7025] with any electrical code violations and the past 2007 completion date to be corrected.

Director Anderson moved, a second followed and the Agency voted unanimously to approve the Façade Improvement Project for 654 Chetco Avenue for \$800.

Executive Director Milliman reviewed the staff report for the project at 519 Chetco Avenue, stating that the project was already in progress.

URAC Chair Chasar generally stated that the Committee determined that while the project was already in progress, after taking out the work that had been completed, there still remained more than \$40,000 of work to be done and therefore approved it for the maximum reimbursement.

Director Hedenskog moved, a second followed and the Agency voted unanimously to approve Façade Improvements [for the Project at 519 Chetco Avenue] for \$20,000.

Executive Director Milliman reviewed the completed Façade Improvement Project for 604 Railroad and the process used by the Urban Renewal Advisory Committee to allow the retroactive change to the project which originally had included the removal of the awning.

Chair Sherman generally stating that she would vote only for the \$4000 reduction in the project as the applicant did not complete a portion of the approved project.

After some discussion, URAC Chair Chasar generally stated that the Committee determined that the removal of the awning would not have been a desirable change and that the project as a whole was worthy of funding.

Director Gordon moved, a second followed and the Agency voted, with Chair Sherman and Director Willms voting "Nay," to follow the recommendation of the [Urban Renewal Advisory] Committee and approve the funding [for the project at 604 Railroad].

Executive Director Milliman reviewed the staff report regarding the renewal of the Umpqua Bank Line of Credit.

Director Anderson moved, a second followed and the Agency voted unanimously to authorize the [Executive Director] or [Chair] to execute the Promissory Note [and all other related documents] for renewing the [Umpqua Bank] Line of Credit [in the amount of \$500,000].

Adjournment

Director Gordon moved, a second followed and the Agency voted unanimously by voice vote to adjourn at 9:05pm.

Respectfully submitted:

ATTEST by City Recorder
this ____ day of _____, 2007:

Pat Sherman
Chair

Joyce Heffington
Interim City Recorder



URBAN RENEWAL AGENDA REPORT

To: URA Chair and Directors

From: Executive Director

Date: October 2, 2007

Subject: Preliminary Discussion Regarding Debt Issuance and Projects

Recommendation: Approve in concept the project list for the Agency's first long-term debt issuance as recommended by the Urban Renewal Advisory Committee.

Background /Discussion:

The Urban Renewal Plan (URP) adopted by the City in 2002 contemplated that the Agency would issue debt to finance urban renewal projects beginning in 2009. The Plan projected that tax increment revenues would reach \$290,700 annually by 2007 and \$460,104 by 2009 and \$460,104 by 2009. The adopted 2007-08 budget projects that tax increment revenues for the current year will be \$356,600.

The URP anticipates that there will be four long-term bond issues during the life of the URP, and states that "Bonds will be issued as revenues, projects requirements, and overall bond market conditions dictate" which indicates some flexibility in the bond sale schedule.

Staff has contacted several underwriters and financial advisors to obtain estimates of the net spendable proceeds that would be available based upon the Agency's current revenue. Generally, they have estimated that, if an Urban Renewal Tax Allocation Bond were issued today, the Agency could realize about \$2.5-2.8 million in net spendable proceeds. It would take 3-4 months to get the bonds sold.

According to the "*Administrative Guidelines and Procedures Manual for Urban Renewal Agencies in Oregon*" published by the Association of Oregon Redevelopment Agencies in February, 2001, "Tax increment revenues are to be used solely for the payment of principal and interest on indebtedness issued or incurred to carry out the urban renewal plan." The City's Urban Renewal Plan states that "Revenues are obtained from anticipated urban renewal bond proceeds and the proceeds of short term urban renewal notes."

The maximum indebtedness authorized under the Plan is \$15,825,000.

This office is currently undertaking research on the availability of grant funding from a variety of sources that may be leveraged by bond funds.

PROJECT LIST

"The primary purpose of the Brookings urban renewal plan is to revitalize the commercial area of the City, and to attract new businesses and jobs to the commercially zoned areas of Brookings." Report on the Brookings Urban Renewal Plan, July, 2002.

Attached is a list of projects that are included in the Urban Renewal Plan. The Plan provides that "The sequencing and prioritization of individual project activities will be done by the Urban Renewal Agency, and any citizen advisory bodies that the Agency calls upon to assist in this process."

While most of the list is project-specific, there are also categories such as "Preservation and Rehabilitation." It is under this heading, for example, that the façade improvement program is conducted. In a debt financing, the Agency could include, for example, \$500,000 for "preservation and rehabilitation" from which an ongoing façade improvement program would be funded.

A project that is not included on the URP list, or can not be rationalized into a category of projects on the list, would need to be amended into the Plan...which may be a complex procedure.

At it's meeting of September 13, the Urban Renewal Advisory Committee (URAC) recommended that the URA focus on public improvements in the City's downtown area (as described in the Downtown Brookings Master Plan) as the URA moves forward with this debt issuance. Specifically, the URAC supported using bond proceeds for the following projects:

1. Continue with the façade improvement matching grant program and expand to include other property improvements, such as shielding waste containers from view and consolidating waste containers from several properties on a single site...
2. Establish a grant program to provide incentives (such as SDC payments) to attract targeted businesses, such as restaurants, to the downtown area.
3. Install curb, gutter, sidewalk, street, parking and drainage improvements along Spruce, Hemlock, Railroad, Wharf, Fern, Alder and Oak Streets between Chetco and Railroad. Improvements to be consistent with the Downtown Master Plan.
4. Upgrade City entrance signs and internal directional signs, such as the fading-out sign cluster at the intersection of North Bank Road and Old County Road. Include both "Welcome to Brookings" signs at City Limits and "Downtown Brookings" signs.
5. Acquire use by purchase or lease and install public parking and/or landscaping* improvements on various undeveloped lots in the "downtown" area.

In developing a project list, it is important to keep in mind that this will be "the project" for the next 4-5 year period as all URA revenues will be committed to debt service. Clearly the URAC recommendation was to focus on infrastructure improvements in the downtown area as the next order

of work. Attached for information purposes are copies of the project lists for the Cities of Seaside and Independence as contained in the Official Statement for their Urban Renewal Bonds issued in 2006 and 2007.

***VACANT LOT IMPROVEMENT PROJECTS**

At the last URAC meeting, there was a brief discussion concerning unsightly vacant lots within the project area, and what the Agency could do to improve the appearance and possible public use of these properties.

The City of Paramount has employed a program of improving vacant parcels or partial parcels as “pocket parks” since 1996. Under that program, the City’s Redevelopment Agency leases, at no cost, the vacant parcels. The Agency installs and maintains the landscape improvements until the property is developed by the property owner. During the period that the Agency leases the property, the property is maintained and utilized in the same manner as other City landscaped areas and parks. Improvements typically include landscaping (no trees) and decorative fencing.

OTHER POSSIBLE PROJECTS

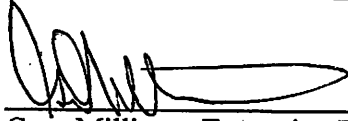
At the September 13 URAC meeting, staff also provided some conceptual ideas on how to get tourists to linger longer in Brookings and also broaden the marketing of local products. Just as the lodging, dining and wine production industries have merged in Napa County. We need to identify what is unique about Brookings, what visitors will share with their friends at home as a unique Brookings experience, what will visitors learn about Brookings products that will sustain non-tourism industry jobs. While not included in the URAC recommendation, conceptual projects suggested by staff included:

1. Develop a marketing strategy and incentive package to attract a major resort hotel. Possibly incorporate some public facilities, such as a performing arts center, into the plan for this facility.
2. Explore projects that would cross-market the tourism and agricultural economy of the region. An example might be to work with South Coast Lumber to develop a visitor center that would showcase timber products produced in Brookings, tell the story of forest production management, the history of timber in the Brookings region and offer mill tours. There may also be an opportunity, for example, to work with local retail nurseries, the Farmers Market and area bulb producers to develop a “Brookings Flower Center” which might include a demonstration lily field, education about locally produced agriculture products and a “retail nursery row,” much like an “auto row” in urban areas.

Staff is seeking direction from the Agency in concept as to the project list. No budget has been developed, and staff is seeking direction prior to expending funds to secure preliminary construction cost estimates. Once preliminary cost estimates are secured, the staff will “size” the project to the available funding and return to the Agency for authorization to proceed with the long-term debt financing.

Financial Impact(s): None at this time. Staff will return to the Agency with a proposal for engineering work needed to determine infrastructure improvement costs.

Executive Director Review and Approval for placement on URA Agenda:

A handwritten signature in black ink, appearing to read 'Gary Milliman', written over a horizontal line.

Gary Milliman Executive Director

Staff Priorities and Comments
Brookings Renewal Plan

Public Parks and Open Spaces	\$ 1,582,500	Top Priority. Improved streets/sidewalks make area more attractive for new private investment
Create a Central Plaza		
Walkways and Plazas		
Local nature interpretive areas		
Looped walkway from downtown to public parks		
Wellands Park at Old Mill Pond		
Enhance Chetco Park and other parks in project area		
Streets and Public Utilities	\$ 3,165,000	
Improve Railroad St, Chetco Av, Fern, Willow, Spruce		
Hemlock, Alder and Wharf sts.		
Assist Street improvements in CIP		
Assist Water, Sewer, Storm Improvements in CIP		
Streetscape	\$ 791,250	
Accent Paving		
Decorative lighting		
Street trees, planters, landscaping		
Benches, trash receptacles, bike racks		
Street and directional signs		
Public art		
Gateway monuments and landscape features		
Under grounding of overhead utilities		
Pedestrian, Bike and Transit Improvements	\$ 791,250	
New bike path in renewal areas		
Pedestrian connections to waterfront		
Other Public Facilities	\$ 2,373,750	
Public restrooms		
Enhancement of public museum		
Relocate city hall		
Performing arts center		
Community center		
Public Parking Facilities	\$ 791,250	Priority for continued revitalization of downtown. Implement Master Plan
New lot at Fern and Spruce		
New lots at pockets along Railroad St		
New RV parking lot		

SEASIDE

Fourth, to the payment to the persons entitled thereto of the unpaid principal and premium, if any, of any Subordinate Obligations which shall have become due, whether at maturity or by call for redemption, in the order of their due dates, earliest maturities first, and, if the amount available shall not be sufficient to pay in full all the Subordinate Obligations due on any date, then to the payment thereof ratably, according to the amounts of principal and premium, if any, due on such date, to the persons entitled thereto, without any discrimination or preference.

RATING

The Agency has not applied for a rating.

PURPOSE

The Series 2006 Bonds are being issued to fund capital projects in the Area and authorized by the Plan, fund the Reserve Fund so that the Reserve Requirement is satisfied and pay the costs of bond issuance (the "Project").

The capital plan for the Area, a portion of which will be paid from the proceeds of the Series 2006 Bonds, is budgeted as follows:

CAPITAL PLAN

<u>Project</u>	<u>Estimated Cost</u>
New Library	\$1,600,000
Wahanna Sidewalk	125,000
Welcome Signs	50,000
Gateway Improvements	20,000
Supply Force Main at Benjamin Corner	30,000
Holliday 3 rd to 12 th	2,000,000

SOURCES AND USES OF FUNDS

The proceeds from the Series 2006 Bonds are as follows:

<u>Sources of Funds</u>	
Principal Amount	\$2,205,000.00
Premium/(Discount)	<u>33,516.65</u>
Total Available Proceeds	<u>\$2,238,516.65</u>
<u>Uses of Funds</u>	
Deposit to Construction Fund	\$1,942,241.65
Cost of Issuance (Including Underwriter's Discount)	75,775.00
To Debt Service Fund	<u>220,500.00</u>
Total Use of Funds	<u>\$2,238,516.65</u>

DEBT MANAGEMENT

The Agency has never defaulted on a debt obligation. The Agency has not used bond proceeds for operational purposes. Additionally, no refunding bonds have been issued for the purpose of preventing an impending default.

General Covenants

The Agency hereby covenants and agrees with the Owners of all Outstanding Bonds as follows:

- (1) That it will promptly cause the principal, premium, if any, and interest on the Bonds to be paid as they become due in accordance with the provisions of this Resolution and any Supplemental Resolution.
- (2) That it will maintain complete books and records relating to the Area and all Agency funds and accounts in accordance with generally accepted accounting principles, and the requirements of Oregon law.
- (3) That it will not issue Bonds or other obligations having a claim superior to the lien of the Bonds upon the Tax Increment Revenues.
- (4) That it will promptly deposit into the Tax Increment Fund all sums required to be so deposited.
- (6) That it will maintain its existence and the ability to collect Tax Increment Revenues until there are no Bonds Outstanding.
- (6) The covenants, representations and warranties contained in the Resolution, each Supplemental Resolution adopted pursuant to the Resolution and any covenants, representations and warranties in the closing documents relating to the Bonds issued pursuant to the Resolution and such Supplemental Resolutions shall constitute contracts with the Owners of the Bonds, and shall be enforceable by them.

RATING

The Agency has not applied for a rating.

PURPOSE

The Bonds are being issued to finance and refinance capital projects in the Area and authorized by the Plan, fund the Reserve Account so that the Reserve Requirement is satisfied and pay the costs of bond issuance (the "Project").

The capital plan for the Area, from a portion of the proceeds of the Bonds, is budgeted as follows:

CAPITAL PLAN

<u>Project</u>	<u>Estimated Cost</u>
Highway 51	\$3,500,000 ¹

¹ A portion of this project is planned to be completed in the future and will be funded through additional debt issued by the Agency.

Source: Urban Renewal Agency of the City of Independence

BUILDING DEPARTMENT ACTIVITIES SUMMARY

For the Month of: **July 2007**

No.	Building	Permit Fee	Plan Check Fee	Surcharge	SDC's	Value Current Month	No. to Date	Total to Date	No. Last Yr	Total Last Year
2	Single Family Dwelling	\$1,501.00	\$975.66	\$120.08	\$17,209.44	\$453,112.00	7	2,205,862.00	34	\$7,251,787.00
2	Single Family Addition	\$811.50	\$679.90	\$64.92	\$0.00	\$180,030.00	12	1,034,540.00	8	\$368,367.00
0	Single Family Garage-Carport	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	5	71,040.00	5	\$50,075.00
0	Two Family Residential	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	0.00	4	\$1,117,383.00
0	Multi-Family Residential Apts	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	12	6,593,224.00	2	\$1,372,930.00
0	Commercial New	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	0.00	7	\$1,377,347.00
0	Commercial Addition-Change	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	11	356,560.00	6	\$79,527.00
0	Churches	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	0.00	0	\$0.00
0	School Repair-Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	0.00	0	\$0.00
1	Building Removal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	7	0.00	5	\$0.00
4	Misc.-Retaining Wall-Fence	\$117.50	\$77.93	\$9.40	\$0.00	\$17,333.00	11	44,206.00	12	\$257,740.00
9	Total Building Permits	\$2,430.00	\$1,733.49	\$194.40	\$17,209.44	\$650,475.00	65	\$10,305,432.00	83	\$11,875,156.00
5	Mechanical Permits	\$112.70	\$0.00	\$9.02	N/A	N/A	43	N/A	62	N/A
2	Plumbing Permits	\$95.20	N/A	\$7.62	\$0.00	N/A	20	N/A	47	N/A
0	Mfg Home Install - Permit Fee	\$0.00	\$0.00	\$0.00	\$0.00	N/A	1	N/A	1	N/A
0	Mfg Home Install - Administrative Fee	\$0.00	N/A	\$0.00	N/A	N/A	1	N/A	1	N/A
16	TOTAL PERMITS	\$2,637.90	\$1,733.49	\$211.03	\$17,209.44	\$650,475.00	130	\$10,305,432.00	194	\$11,875,156.00
	Total Year to Date Calculated Fees	\$30,367.60	\$18,333.72	\$2,457.00	\$169,430.62					
	2006 YTD Calculated Fees	\$45,024.37	\$27,911.06	\$3,629.54	\$434,518.74					

For the month of: **July 2007**82

BUILDING DEPARTMENT ACTIVITIES SUMMARY

For the Month of: **August 2007**

No.	Building	Permit Fee	Plan Check Fee	Surcharge	SDC's	Value Current Month	No. to Date	Total to Date	No. Last Yr	Total Last Year
1	Single Family Dwelling	\$1,408.00	\$915.20	\$112.64	\$0.00	\$489,269.00	8	2,695,131.00	34	\$7,251,787.00
2	Single Family Addition	\$270.50	\$175.83	\$21.64	\$0.00	\$39,693.00	14	1,074,233.00	10	\$524,849.00
1	Single Family Garage-Carport	\$265.00	\$172.25	\$21.20	\$0.00	\$45,178.00	6	116,218.00	7	\$78,635.00
0	Two Family Residential	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	0.00	4	\$1,117,383.00
1	Multi-Family Residential Apts	\$560.50	\$364.33	\$44.84	\$17,776.56	\$150,000.00	13	6,743,224.00	2	\$1,372,930.00
0	Commercial New	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	0.00	7	\$1,377,347.00
0	Commercial Addition-Change	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	11	356,560.00	9	\$88,727.00
0	Churches	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	0.00	0	\$0.00
0	School Repair-Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	0.00	0	\$0.00
1	Building Removal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	8	0.00	6	\$0.00
2	Misc.-Retaining Wall-Fence	\$483.00	\$313.95	\$38.64	\$0.00	\$120,000.00	13	164,206.00	15	\$259,240.00
8	Total Building Permits	\$2,987.00	\$1,941.56	\$238.96	\$17,776.56	\$844,140.00	73	\$11,149,572.00	94	\$12,070,898.00
4	Mechanical Permits	\$93.85	\$0.00	\$7.51	N/A	N/A	47	N/A	69	N/A
1	Plumbing Permits	\$47.60	N/A	\$3.81	\$0.00	N/A	21	N/A	48	N/A
0	Mfg Home Install - Permit Fee	\$0.00	\$0.00	\$0.00	\$0.00	N/A	1	N/A	2	N/A
0	Mfg Home Install - Administrative Fee	\$0.00	N/A	\$0.00	N/A	N/A	1	N/A	2	N/A
13	TOTAL PERMITS	\$3,128.45	\$1,941.56	\$250.28	\$17,776.56	\$844,140.00	143	\$11,149,572.00	215	\$12,070,898.00
	Total Year to Date Calculated Fees	\$33,496.05	\$20,275.28	\$2,707.28	\$187,207.18					
	2006 YTD Calculated Fees	\$46,514.47	\$28,597.48	\$3,776.35	\$456,982.20					

For the month of: **August 2007**[illegible][illegible]

Total Building & Manufactured Home Permits	844,140.00	2,987.00	1,941.56	47.60	75.00		17,776.56	
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BUILDING DEPARTMENT ACTIVITIES SUMMARY

For the Month of: **September 2007**

No.	Building	Permit Fee	Plan Check Fee	Surcharge	SDC's	Value Current Month	No. to Date	Total to Date	No. Last Yr	Total Last Year
0	Single Family Dwelling	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	8	2,695,131.00	39	\$8,149,844.00
0	Single Family Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	14	1,074,233.00	11	\$557,507.00
1	Single Family Garage-Carport	\$74.50	\$48.48	\$5.96	\$17,776.56	\$8,858.00	7	125,076.00	8	\$83,085.00
0	Two Family Residential	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	0.00	4	\$1,117,383.00
0	Multi-Family Residential Apts	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	13	6,743,224.00	2	\$1,372,930.00
0	Commercial New	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	0.00	7	\$1,377,347.00
2	Commercial Addition-Change	\$287.00	\$186.56	\$22.96	\$0.00	\$40,186.00	13	396,746.00	9	\$88,727.00
0	Churches	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	0.00	0	\$0.00
0	School Repair-Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	0.00	0	\$0.00
0	Building Removal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	8	0.00	6	\$0.00
2	Misc.-Retaining Wall-Fence	\$137.00	\$89.06	\$10.96	\$0.00	\$14,850.00	15	179,056.00	18	\$275,662.00
5	Total Building Permits	\$498.50	\$324.10	\$39.88	\$17,776.56	\$63,894.00	78	\$11,213,466.00	104	\$13,022,485.00
3	Mechanical Permits	\$68.85	\$0.00	\$5.51	N/A	N/A	50	N/A	76	N/A
2	Plumbing Permits	\$95.20	N/A	\$7.62	\$0.00	N/A	23	N/A	52	N/A
1	Mfg Home Install - Permit Fee	\$160.00	\$0.00	\$12.80	\$0.00	N/A	2	N/A	2	N/A
1	Mfg Home Install - Administrative Fee	N/A	N/A	\$30.00	N/A	N/A	2	N/A	2	N/A
12	TOTAL PERMITS	\$822.55	\$324.10	\$95.80	\$17,776.56	\$63,894.00	155	\$11,213,466.00	236	\$13,022,485.00
	Total Year to Date Calculated Fees	\$34,318.60	\$20,599.38	\$2,803.08	\$204,983.74					
	2006 YTD Calculated Fees	\$50,512.92	\$30,971.00	\$4,096.23	\$488,498.20					

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Total Building & Manufactured Home Permits	63,894.00	498.50	324.10	47.60	25.00			17,776.56	160.00	30.00
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