

AGENDA
City of Brookings
Common Council Meeting
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon 97415
Monday, November 13, 7:00 p.m.

Beginning at 5:00 p.m., before the regularly scheduled Common Council Meeting, the Council will meet for a **Work/Study Session** to discuss Code Enforcement.

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
- IV. Ceremonies/Appointments**
 - A. Ceremonies**
 1. Work Anniversaries:
 - a. Susan Frisch, Communications Officer – Five Years [pg. 5]
 - b. Vicki Bailey, Accounts Receivable Clerk - Five Years [pg. 7]
 - c. Joe Ingwersen, Treatment Plant Chief Operator – Fifteen Years [pg. 9]
 2. Certificate of Achievement to the City of Brookings for Excellence in Financial Reporting, 2005, *Administrative Services Director Paul Hughes, accepting.* [pg. 11]
 3. Proclamation: November as Home Care & Hospice Month – *Curry County Home Health & Hospice Care Coordinator, Helen May Riccio, accepting.* [pg. 13]
 - B. Appointments**
 1. Appoint two members of the City Council to the HSD Rate Review Committee [pg. 15]
- V. Scheduled Public Appearances**
 - A.** Report on Environmental Assessment, Brookings Transportation Solution – *Jerry Marmon, Environmental Project Manager, Oregon Department of Transportation (ODOT)*
- VI. Oral Requests and Communications from Audience**
 - A. Committee and Liaison Reports**
 1. Chamber of Commerce Reports
 2. Council Liasons
 - B. Public Comments** – limit to a maximum of **5 minutes per person**. A **public comment form**, located near the southern council door, **must be completed and turned into the Administrative Assistant** prior to the beginning of the meeting or prior to approaching the podium to speak.
- VII. Regular Agenda**
 - A.** Consideration and possible approval of engineering and design agreement for Water System Improvement Projects between HGE Inc., and the City, in the amount of \$143,500. *City Manager Dale Shaddox* [pg. 17]
 - B.** Consideration and possible approval to authorize the Mayor and City Manager to execute a loan agreement, not to exceed \$4,000,000, with the Oregon Economic Community Development Department (OECDD). *Administrative Services Director Paul Hughes* [pg. 31]
 - C.** Consideration and possible approval to authorize the Mayor and City Manager to execute a loan agreement with the Department of Environmental Quality (DEQ) for Biosolids Project. *Administrative Services Director Paul Hughes* [pg. 33]

VIII. Consent Calendar

- A. Approval of Council Meeting Minutes for **October 23, 2006**. [pg. 35]
- B. Acceptance of Planning Commission Meeting Minutes for:
 - 1. **September 26, 2006** [pg. 39]
 - 2. **October 3, 2006** [pg. 43]
 - 3. **October 17, 2006** [pg. 45]
- C. Approval of vouchers for **October, 2006** in the amount of **\$386,472.31**. [pg. 49]
- D. Approval of Liquor License Application for Go-Go's deli/sandwich shop located at 925 Chetco Avenue. [pg. 55]
- E. Approval to schedule council meetings on November 29 and December 18th for the purpose of conducting public hearings. [pg. 59]

IX. Resolutions

- A. Discussion and possible approval of resolution 06-R-761, increasing water utility rates effective December 1, 2006, for the purpose of funding the debt service created from the OECDD loan. [pg. 61]

X. Remarks from Mayor and Councilors

- A. Mayor
- B. Councilors

XI. Adjournment

EVENTS

November 2006

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
		November 1	2	3	4
		10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code 7:00pm FH-PoliceReserves	9:00am CC-Crm Stoppers 3:00pm CC SafetyComMtg Kathy Dunn	8:30am CC - Planning & Public Works 10:00am CC - Borax, the City and Sun Development Meeting	
					5
					11
9:30am CC- VIPS/Volunteers in Police Service/Mar 10:30am CC - Work Study Discussion - Current 7:00pm FH-FireTng/ChShrp	4:30pm CC - Cal Ore/FD meeting 7:00pm CC-Planning Commssn - PENDING	10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code committee	10:00am CC - Municipal Court 3:00pm CC Urban Renewal Advisory Committee	Veterans Day - CLOSED (closest v	4:00pm 2nd Saturday Art Walk (Downtown
					12
					18
7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	10:00am CC-Brookings Rural Fire District-Michael 1:30pm CC - Health Fair Committee 7:00pm CC Planning	10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code 6:00pm FH - Brookings Fire	8:00am CC - Motorola Meeting - John 2:00pm CC - CEP (Emergency preparedness) 7:00pm CC-Parks & Rec	8:30am CC - Planning & Public Works	Book Sale Holiday Bazaar
					19
					25
9:30am CC-VIPS/Volunteers in Police Service-BPalicki 7:00pm FH-FireTng/ChShrp (Fire Hall)		10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code committee	Thanksgiving - CLOSED		CC Traffic School with Marvin
					26
NO CC meeting tonight 7:00pm FH-FireTng/ChShrp (Fire Hall)		10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code 7:00pm CC - Council Meeting			

CC - Council Chambers
 FH = Fire Hall
 CM = City Manager's Office
 AZ = Azalea Park
 BC = Bud Cross
 SP = Stout Park

11/9/2006 9:22 AM

EVENTS

December 2006					
Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
				December 1	2
				8:30am CC - Planning & Public Works	
				5:30pm CC - Christmas Tree Lighting Ceremony	3
4	5	6	7	8	9
9:30am CC- VIPS/Volunteers in Police Service/Marvin Parker 7:00pm FH-FireTng/ChShrp (Fire Hall)	8:00am CC - Administrative Hearing 7:00pm CC-Planning Commssn	10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code 7:00pm FH-PoliceReserves	9:00am CC-Crm Stoppers 3:00pm CC SafetyComMtg Kathy Dunn	8:30am CC - Planning & Public Works	4:00pm 2nd Saturday Art Walk (Downtown)
11	12	13	14	15	16
7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	10:00am FH-Brookings Rural Fire District-Michael Zoretich 412-1456 6:30pm CC - Red Cross	10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code 5:00pm CC-Victims Impact	10:00am CC - Muni Court 3:00pm CC Urban Renewal Advisory Committee 7:00pm CC-Parks & Rec Comm/City Manager	8:30am CC - Planning & Public Works	
18	19	20	21	22	23
9:30am CC-VIPS/Volunteers in Police Service-BP 7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC - Council Meeting		10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code committee	2:00pm CC - CEP (Emergency preparedness)	8:30am CC - Planning & Public Works	
25	26	27	28	29	30
Christmas - Closed (closest workd) NO CC Meeting tonight 7:00pm FH-FireTng/ChShrp (Fire Hall)		10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code committee		8:30am CC - Planning & Public Works	CC Traffic School with Marvin 225
					31

CC - Council Chambers
 FH = Fire Hall
 CM = City Manager's Office
 AZ = Azalea Park
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11/9/2006 9:22 AM

CERTIFICATE OF APPRECIATION

Awarded to

Susan Frisch

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



Pat Sherman

Mayor Pat Sherman

Dale Shaddox

City Manager, Dale Shaddox

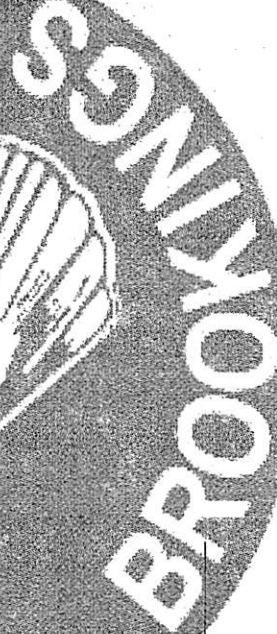
Honored this 13th day of November, 2006

CERTIFICATE OF APPRECIATION

Awarded to

Vicki Bailey

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



Pat Sherman

Mayor Pat Sherman

Dale Shaddox

City Manager, Dale Shaddox

Honored this 13th day of November, 2006

CERTIFICATE OF APPRECIATION

Awarded to

Jae Inguwerson

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



Mayor Pat Sherman



City Manager, Dale Shaddox

Honored this 13th day of November, 2006

Certificate of Achievement for Excellence in Financial Reporting

Presented to

City of Brookings
Oregon

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended

June 30, 2005

A Certificate of Achievement for Excellence in Financial Reporting is presented by the Government Finance Officers Association of the United States and Canada to government units and public employee retirement systems whose comprehensive annual financial reports (CAFRs) achieve the highest standards in government accounting and financial reporting.



Thomas J. Flannery
President

Jeffrey L. Esser
Executive Director

PROCLAMATION



WHEREAS, many dedicated professionals and volunteers provide homecare & hospice services to the ill, elderly, disabled, and dying within the comfort and security of their own homes; and

WHEREAS, hospice provides a special kind of caring for those adults and children who are living with a life ending illness in Curry County by helping meet the medical, emotional, and spiritual needs; and

WHEREAS, homecare is the growing alternative to hospitalizations or other institution-based forms of health care for acute and chronic illnesses; and

WHEREAS, professionals offer assistance and support to the patient and family on a 24-hour, seven-days-a week basis; and

WHEREAS, Curry County Home Health & Hospice has provided such services to hundreds of County residents since 1967; and

WHEREAS, this care allows individuals and families to remain in their homes with dignity and to participate in the quality of life which they are accustomed to in familiar community surroundings; and

WHEREAS, Curry County Home Health and Hospice proudly serves the entire county throughout the year to meet a multitude of health needs in a highly qualified manner; and

WHEREAS, an increase in public awareness and understanding of homecare and hospice will better serve the families of our communities; therefore, be it

RESOLVED that the Mayor and Council of the City of Brookings do hereby join hundreds of other cities and states in proclaiming **November** as

HOME CARE AND HOSPICE MONTH

in the City of Brookings and encourage all citizens to join in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Brookings to be affixed this the 13th day of November, 2006.

Mayor Pat Sherman

CITY OF BROOKINGS

City Council Agenda Report



Date: November 1, 2006

To: Mayor & City Council

From: Paul Hughes, Administrative Services Director

Subject: Harbor Sanitary District (HSD) Rate Review Committee

Recommendation: **Appoint two members of the City Council to the HSD Rate Review Committee**

Background /Discussion:

With the Class "A" biosolids design and management contract underway, the City needs to enter into negotiations with HSD to establish a rate structure for treatment of the District's wastewater, which will cover the their share of the additional debt service and operating costs of the Class "A" system. HSD has appointed Board members Loren Griffith and Ken Simmons to the Committee.

Financial Impact(s):

The new rate structure for HSD must be sufficient to cover their share of the annual debt service and operating costs of the Class "A" system as well as current debt and operating obligations.

City Manager Review and Approval for placement on Council Agenda:

A handwritten signature in blue ink, appearing to read "D. Shaddox", is written over a horizontal line.

Dale Shaddox, City Manager

City of Brookings
898 Elk Drive
Brookings, OR 97415



COUNCIL AGENDA REPORT

To: Mayor & City Council (mtg. of 11/13/06)

From: City Manager

Date: October 24, 2006

Re: HGE/City Agreement for Engineering Design Services,
Water System Improvement Projects

Subject:

Approval of a engineering design agreement between HGE Inc. and the City of Brookings in the amount not to exceed \$143,500.

Recommendation:

It is recommended that the City Council approve the attached agreement for design services for Water System Improvement Projects between HGE Inc. and the City, in the amount not to exceed \$143,500.

Background /Discussion:

As the Council will recall, during the recent review of needed water system improvements to serve our existing customers (not adding capacity for new developments), it was determined that approximately \$5M worth of projects need to be completed.


Some of the projects have already been designed, while others need to be engineered before advertising for bids and securing the necessary financing from State loan funds.

The attached proposal from HGE Inc., if approved will accomplish the design/engineering for the listed project components estimated at a total construction cost of \$1.6M. The design services proposal of \$143,500 is approximately 9% of the total estimated construction costs, well within the customary range for design costs.

Financial Impact(s):

The engineering costs of \$143,000 will be from the water SDC fund balance, and the construction costs will be supported by the remaining SDC balance plus loan funds from the State.

City Manager Review and Approval for placement on Council Agenda:


Dale Shaddox, City Manager



ARCHITECTS
ENGINEERS
SURVEYORS
PLANNERS

375 PARK AVE
COOS BAY
OREGON
97420

541.269.1166
FAX 541.269.1833
CELL 541.404.3791
mored@hge1.com

Richard D. Nored, P.E.
Joseph A. Slack, A.I.A.
Russ Dodge, PLS
Stephen R. Cox

October 19, 2006

City of Brookings
898 Elk Drive
Brookings, OR 97415

Attn: Dale Shaddox
City Manager

Re: Water System Improvement Project
Project No. 06.24


Dear Dale:

Enclosed herewith are three (3) copies of our proposed agreement with the City of Brookings for the water system improvement project recently approved by the Council. We have prepared and executed these copies for your approval.

If you have any questions or concerns, please contact me. We would appreciate the return of one executed copy of the agreement for our records. Thank you for the continuing opportunity to be of assistance to the City of Brookings.

Very truly yours,


**HGE INC., Architects, Engineers,
Surveyors & Planners**


Richard D. Nored, P.E.
President

c. Paul Hughes

RECEIVED

OCT 20 2006

Per 

**STANDARD FORM OF AGREEMENT
BETWEEN
OWNER AND ENGINEER
FOR
WATER SYSTEM IMPROVEMENT PROJECTS**

This is an Agreement among **City of Brookings**, a Municipal Corporation of the State of Oregon, hereinafter called (**OWNER**) and **HGE Inc., Architects, Engineers, Surveyors & Planners (HGE)**, hereinafter called (**ENGINEER**).

OWNER retains **ENGINEER** to perform professional engineering services, and to provide professional engineering consultations and advice for a professional fee in connection with the design and preliminary surveying for the following projects in the City of Brookings.

Ref. No.	Project Description
21,22	Railroad Street, Cove Road to Del Norte and Del Norte, Hazel to Railroad – 8" lines
16	Pine St., Fern to Myrtle, Myrtle Street Pine St. to Hwy 101 and Highway 101, Myrtle Street to North Bank Rd. –8" lines
1	Hampton Ln., Brooks Ln. to Parkview – 10" lines
1	Complete Parkview Drive – 10" lines
2,8	Dodge St. to Glenwood Drive and PRV on Glenwood Drive – 12" lines
4	Stafford Road and Extension to Seacrest Ln. – 8" lines

SECTION 1 - BASIC SERVICES OF ENGINEER

- 1.1 **PROJECT.** **ENGINEER'S** work shall consist of developing preliminary surveying, design engineering plans and specifications, in accordance with the projects described above. After written authorization to proceed, **ENGINEER** shall perform the professional services required to complete plans and specifications by March 28, 2006.

SECTION 2 - ADDITIONAL SERVICES

- 2.1 If authorized in writing by **OWNER**, additional services related to the Assignment will be performed by **ENGINEER** for an additional professional fee. The additional professional fee shall be on an hourly basis plus reimbursables, as described in Attachment A.

SECTION 3 - PERIOD OF SERVICE

- 4.1 ENGINEER shall perform the basic services under this Agreement within 180 days of authorization, commencing on the date of receipt of the signed Agreement from OWNER. ENGINEER shall inform OWNER of any scheduling delays and possible consequences. The parties may mutually agree to extend the agreement period.
- 4.2 ENGINEER'S additional services will be performed and completed within the time period agreed to in writing by the parties at the time such services are authorized.
- 4.3 If any time period within or date by which any of ENGINEER'S services are to be completed is exceeded through no fault of ENGINEER, all rates, measures and amounts of compensation and the time for completion of performances shall be subject to equitable adjustment.
- 4.4 This Agreement shall remain in force until the basic services are completed and accepted, or until terminated in accordance with Section 6: Termination.

SECTION 5 - PAYMENTS TO ENGINEER

- 5.1 OWNER shall pay ENGINEER for all basic services rendered under Section 1, as follows:
 - 5.1.1 Engineering services shall be provided on an hourly rate basis, with rates stipulated in Attachment A, with a not to exceed cost of \$143,500 for developing plans and specifications for the referenced projects. If requested by OWNERS, additional engineering shall be compensated on an hourly basis according to the attached fee schedule (Attachment A), and such fees shall be over and above the engineering services described above.
- 5.2 ENGINEER shall submit monthly statements for basic services rendered. OWNER shall make monthly payments for ENGINEER'S monthly invoices within 15 days of receipt of billing.
 - 5.2.1 ENGINEER'S above charges are on the basis of prompt payment of bills rendered and continuous progress of the work on the Assignment until services on all projects are completed.

SECTION 6 - TERMINATION

- 6.1 Either party may terminate this agreement upon ten (10) working days written notice to the other in the event of a material breach by the other party to perform in accordance with the terms hereof, but only if said breach is through no fault of the terminating party and said breach is not corrected before the date of termination. Written notice of the breach shall be provided to the other party, who shall have 10 days from the date notice is received to correct the breach.

- 6.2 This agreement may also be terminated by OWNER without cause by giving 30 days written notice.
- 6.3 In the event of termination, the ENGINEER shall be paid for services performed to the termination notice date.
- 6.4 Such early termination shall not give rise to any claim for loss of anticipated profits.

SECTION 7 - GENERAL CONSIDERATIONS

- 7.1 WARRANTY OF ABILITY. ENGINEER warrants to OWNER that ENGINEER is in the business of providing the type of personal service required for the performance of this Agreement, has obtained all necessary certifications, degrees, and licenses.
- 7.2 HOLD HARMLESS. It is understood that ENGINEER is not an agent of OWNER, but an independent contractor, and shall not represent itself as an agent of the OWNER. ENGINEER is not authorized to enter into any contracts on behalf of OWNER and shall be solely responsible for such contracts and shall indemnify and defend the OWNER on any claims arising out of such contracts.

ENGINEER shall provide all necessary support services at ENGINEER'S expense. OWNER may provide additional support services at the discretion of OWNER'S authorized representative.

- 7.3 STATUTORY AND REGULATORY COMPLIANCE. ENGINEER shall comply with all federal, state and local laws, ordinances and regulations applicable to the work under this Agreement. This includes, without limitation, the applicable provisions of ORS Chapter 279B, particularly 279B220, 279B230, and 279B235.
- 7.4 GENERAL COMPLIANCE WITH LAWS. It is understood that all work shall be performed in compliance with federal, state, and local laws and ordinances applicable to public contracts and the Work to be performed under this Agreement.
- 7.5 LIABILITY TO THIRD PERSONS. Neither ENGINEER nor ENGINEER'S independent professional associates or consultants shall by this Agreement, be liable to third persons for claims, damages, losses or expenses.
- 7.6 PROJECT INSURANCE. It is agreed that the ENGINEER will obtain and maintain, at the ENGINEER'S expense, such insurance as will protect the ENGINEER and OWNER from claims under Worker's Compensation Act by ENGINEER'S employees and such comprehensive general liability insurance as will protect the OWNER and the ENGINEER from all claims for bodily injury, death, or property damage and other claims which arise from the performance by the ENGINEER or by the ENGINEER'S employees of the services required under this Agreement. ENGINEER shall obtain and maintain in effect during the term of and until final acceptance of all work under this Agreement a policy of liability and property damage insurance with limits not less than those set forth in ORS 30.270. OWNER shall be listed as additional insured on liability and errors and omissions policies. Worker's Compensation Insurance shall not require

listing of OWNER as additional insureds.

- 7.7 OWNERS RESERVATIONS. OWNERS reserve the right to request replacement of any personnel furnished by the ENGINEER.
- 7.8 ASSIGNMENT/DELEGATION. Neither party shall assign, or transfer any interest in this Agreement without the prior written consent of the other, and no assignment shall be of any force or effect whatsoever unless and until the party has so consented.
- 7.9 TRANSFER OF RIGHTS. Nothing under this Agreement shall be construed to give any rights or benefits in this Agreement to anyone other than OWNER and ENGINEER, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of OWNER and ENGINEER and not for the benefit of any other party.
- 7.10 AGREEMENT AMENDMENT. This Agreement (consisting of pages 1 to 7 inclusive) together with Attachment A constitute the entire Agreement between OWNER and ENGINEER and supersede all prior written or oral understandings. This Agreement may only be amended, supplemented, modified or canceled by a duly executed written instrument.
- 7.11 RECORDS. ENGINEER shall maintain all of its records relating to the Basic Services on a generally recognized accounting basis and allow OWNER the opportunity to inspect and copy such records at a convenient place during normal business hours. ENGINEER shall maintain all records for three years after OWNER make's final payment and all other pending matters between OWNER and ENGINEER are closed.
- 7.12 NOTICES. In the event notice is required or desired to be given by one party to the other, written notice shall be given by mailing by first class mail or personal delivery to the other at the addresses provided on page 6.

SECTION 8 - FORCE MAJEURE

- 8.1 Neither party to this Agreement shall be liable to the other party for delays in performing the Services or for the direct or indirect cost resulting from such delays that may result from strikes, riots, war, acts or other governmental authorities, extraordinary weather conditions or other natural catastrophes, or any other cause beyond the reasonable control or contemplation of either party (Force Majeure). Documentation must be submitted within (10) days to substantiate Force Majeure.

SECTION 9 - RESTRICTIONS

- 9.1 ENGINEER shall make prompt payments as due to all persons supplying labor or materials to ENGINEER for the work provided under this agreement. ENGINEER shall not permit any lien or claim to be filed or prosecuted against OWNER on account of any labor or material furnished. If ENGINEER fails, neglects or refuses to make prompt payment of any claim for labor, services, or material furnished to ENGINEER or a

subcontractor in connection with this agreement as such claim becomes due, OWNER may pay such claim to the person furnishing the labor or material and charge the amount of the payment against funds due or to become due to ENGINEER under this agreement.

- 9.2 During the course of this Agreement ENGINEER may have access to confidential information and/or documentation of OWNER and may participate in confidential discussions with OWNER. ENGINEER'S personnel shall be notified of the confidentiality of the information prior to the discussion or transfer of the information and will make all reasonable effort to not disclose confidential OWNER'S information and/or documentation to any third party during the term of this Agreement. This article will remain in effect 12 months after the completion of the Agreement or after its termination except as required by a court of competent jurisdiction or with the written consent of OWNER.

SECTION 10 - INDEMNIFICATION

- 10.1 Each party hereto agrees to be responsible and assume liability for its own wrongful or negligent acts or omissions, or those of its officers, agents, or employees to the full extent permitted by law.

SECTION 11 - WAIVER

- 11.1 The failure to enforce any provision of this Agreement shall not constitute a waiver by OWNER of that or any other provision.

SECTION 12 - SEVERABILITY

- 12.1 If any term or provision of this Agreement is declared illegal or in conflict with any law by a court of competent jurisdiction, the validity of the remaining terms and provisions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

SECTION 13 - INTEGRATION

- 13.1 This Agreement constitutes the entire agreement between OWNER and ENGINEER regarding the services and supercedes all prior or contemporaneous oral or written representations or agreements. This Agreement shall not be modified except by a document signed by both parties, and in writing.

Notices shall be given to the parties at the following addresses.

**Dale Shaddox
City Manager
City of Brookings**

**898 Elk Drive
Brookings, OR 97415**

**Richard D. Nored, P.E.
President
HGE Inc., Architects, Engineers,
Surveyors & Planners
375 Park Avenue
Coos Bay, OR 97420**

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement as of the day and year below written.

OWNER: CITY OF BROOKINGS

**ENGINEER: HGE INC., ARCHITECTS,
ENGINEERS SURVEYORS & PLANNERS**

City Manager



President

Date

Oct. 19, 2006

Date

Attachment "A"

HGE INC., ARCHITECTS, ENGINEERS, SURVEYORS & PLANNERS STANDARD HOURLY RATE SCHEDULE

Effective January 1, 2006

Principal/Manager	\$110.00
Principal Surveyor	\$ 82.00
Senior Engineer	\$105.00
Project Manager	\$102.00
Project Engineer	\$ 90.00
Electrical Engineer	\$ 87.00
Project Coordinator	\$ 82.00
Designer Technician	\$ 73.50
Engineering Technician	\$ 73.50
Draftsman Designer	\$ 59.00
Project Surveyor	\$ 82.00
Construction Observer	\$ 69.00
Crew Chief	\$ 66.00
2-Man Field Crew	\$132.00
3-Man Field Crew	\$160.00
4-Man Field Crew	\$203.00
Clerical	\$ 46.00
Principal Architect	\$ 81.00
Senior Architect/Manager	\$ 75.00
Project Architect	\$ 65.00
Architect Intern	\$ 60.00
Architect Project Coordinator	\$ 59.00
Architect Technician	\$ 57.00

Standard hourly rate schedule to be updated on January 1st of each year.

Reimbursable Expenses:

Printing, reproduction and miscellaneous expenses - at cost plus 10% for handling.

Mileage - at \$0.38/mile

CITY OF BROOKINGS

City Council Agenda Report



Date: November 6, 2006

To: Mayor & City Council

From: Paul Hughes, Administrative Services Director

Subject: Oregon Economic Community Development Department Special Public Works Funding.

Recommendation: **Authorize the Mayor and City Manager to execute a loan agreement, up to \$4,000,000, with the Oregon Economic Community Development Department (OECDD).**

Background /Discussion:

During the October 9th City Council meeting, staff and the City Engineer (HGE) detailed the water storage, pumping and distribution improvements necessary to supply water through 2011 (see below). These projects are estimated to cost \$5,000,000 and are eligible to utilize approximately \$1,000,000 of system development charge revenues. The remaining \$4,000,000 will need to be financed, and the debt service paid with water rate revenues. Staff agrees that the funding available through the Oregon Economic Community Development Department's (OECDD) "Special Public Works Fund" is the best option for the City. A twenty year loan will create an annual debt service to the city of approximately \$308,000. The exact debt service interest cost is unknown until the State sells bonds, which fund the OECDD for these types of projects. The interest rate of the bonds will determine the interest rate of the loan. Staff is recommending authorization for the Mayor and City Manager to execute a loan agreement with OECDD upon receipt of the documents.


2.0 mg Water Storage Reservoir	\$2,500,000
4900 lf of 12" Transmission Line - Treatment Plant to Distribution System	\$690,000
Booster Pump between Treatment Plant and Reservoir	\$160,000
Priority I Distribution Improvements	\$1,650,000

Estimated completion date of these projects is October 2007

Financial Impact(s):

The \$4 million OECDD loan will create an annual debt service payment of approximately \$308,000 which will be funded by the recommended water rate increase.

City Manager Review and Approval for placement on Council Agenda:



Dale Shaddox, City Manager

CITY OF BROOKINGS

City Council Agenda Report



Date: November 6, 2006

To: Mayor & City Council

From: Paul Hughes, Administrative Services Director

Subject: DEQ Loan for the Class "A" Biosolids Facility

Recommendation: **Authorize the Mayor and City Manager to execute loan agreements, up to \$4,000,000, with the Department of Environmental Quality (DEQ) for the purpose of funding the Class "A" Biosolids Project**

Background /Discussion:

The City Council has approved a contract with Kennedy Jenks Consultants to design and manage the Class "A" biosolids project. The design and management fee is built into the current year budget, but the estimated \$4,000,000 project cost must be financed. Wastewater rates were increased earlier this year to fund the project, and negotiations are expected to begin shortly with Harbor Sanitary District to establish a rate to pay for their portion of the project. As reported previously, staff recommends DEQ funding for wastewater projects because of the low tax exempt interest rates offered (below 4%). Staff and our consultants met with DEQ to discuss the project and funding options. Although total project funding will not be available until this summer, DEQ suggested the City establish a partial loan as soon as possible so that when full funding becomes available in the summer, the City need only request an increase in the original loan. Although the initial loan will only be \$10K - \$100K (according to DEQ officials) staff is recommending authorization for the Mayor and City Manager to execute loan agreements with DEQ for the entire project cost. This will dramatically speed up the process as well as put us in a better position to receive the summer DEQ funding. The estimated completion date of this project is March 2008.

Financial Impact(s):

The annual debt and operating expenditures of the Class "A" system is estimated to be \$315,000 which will be paid from Brookings sewer user fees and Harbor Sanitary District contract service revenues.

City Manager Review and Approval for placement on Council Agenda:


Dale Shaddox, City Manager

MINUTES
CITY OF BROOKINGS
Common Council Meeting
Brookings City Hall, Council Chamber
898 Elk Drive, Brookings, Oregon
Monday, October 23, 7:00 p.m.

Call to Order

Mayor Sherman called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Roll Call

Council: Mayor Pat Sherman, Council President Larry Anderson, Councilors Dave Gordon, Craig Mickelson and Jan Willms, and Ex Officio Ashley Gemmell; a quorum present.

Staff: City Manager Dale Shaddox, Planning Director Dianne Snow, Administrative Assistant Joyce Heffington

Media: Curry Coastal Pilot Reporter Tom Hubka

Other: Approximately 6 citizens

Ceremonies and Appointments

Mayor Sherman proclaimed the week of October 23 through October 31, 2006 as Red Ribbon Week and BHHS Leadership Teacher, Kristy Kleespies accepted the proclamation. Councilor Gordon discussed the history and mission of the Red Ribbon campaign and made several related announcements.

A Certificate of Appreciation was presented by Mayor Sherman to Ronald Romero for his donation of the City Logo in etched glass, currently displayed in Council Chambers.

Mayor Sherman announced her choice for Student Ex Officio Commissioner to the Planning Commission and asked Council to appoint Sarra Jordan Brune.

Councilor Gordon moved, a second followed and Council voted unanimously, with an advisory vote from Ex Officio Gemmell, to appoint Sarra Jordan Brune as Student Ex Officio to the Planning Commission.

Public Hearing

- **In the matter of File No. CPZ-1-06**, to consider and possibly adopt a Comprehensive Plan change from Tourist Commercial (C-4) to Multi-family Residential (R-3) zone, located at 207 North Bank Chetco Road; Assessor's Map 41-13-05B; Tax Lots 1600, 1601, 1602, 1603, and 1700; Steve Cadwalader, applicant. Criteria used to decide this application can be found in Section 144-Amendments, of the Brookings Land Development Code.

Mayor Sherman opened the quasi-judicial hearing in the above matter and asked Council to declare any ex-parte contacts or site visits. Mayor Sherman and Councilors Gordon, Mickelson and Willms all declared site visits. Councilor Mickelson declared that he had also attended the Planning Commission meeting where this matter was heard. Councilor Anderson declared he had driven past the site.

Hearing no objections from the audience, Mayor Sherman reviewed the guidelines and turned the hearing over to staff.

Planning Director Dianne Snow presented the staff report. Council questioned Snow on various points including the irrevocability of the zone change from commercial to residential, the wisdom of reducing available commercial property acreage, concerns regarding slope, sewer, water, and potential traffic problems. Snow assured Council that these concerns had been considered by the Planning Commission before making their decision.

Jim Capp, P.O. Box 2937, Harbor, spoke on behalf of the applicant and presented testimony related to traffic and geologic issues.

Hearing no further requests to give testimony, either in support or opposition, Mayor Sherman closed the Public Hearing at 8:05 p.m..

The applicant having waived the right to present further information, Council proceeded to discussion and deliberation.

Councilor Gordon moved, a second followed and Council voted, with a “nay” vote from Councilor Willms, and an advisory “aye” vote from Ex Officio Gemmell, to adopt the Comprehensive Plan change from Tourist Commercial to Multi-family Residential zone, located at 207 N. Bank Chetco Road; assessors map 41-13-05B, tax lots 1600, 1601, 1602, 1603, and 1700 to include the qualifying conditions of approval.

Council Liaisons

Mayor Sherman proposed changing the direction of this portion of the agenda to relate specifically to Council appointed liaisons to include a brief report. This would be for future meetings. Discussion ensued and Mayor Sherman advised she would consider comments made by Council and get back to them with a decision.

Councilor Gordon attended meetings of the Port Commission, OCZMA, and the Curry County Airport Marketing Committee, attended the Townhall Meeting on the Storm Water Master Plan and met with the Sun River Development group regarding the Borax property.

Councilor Mickelson attended meetings of the Planning Commission and the Urban Renewal Advisory Committee and attended the Townhall Meeting on the Storm Water Master Plan.

Councilor Anderson attended a School Board Meeting.

Ex Officio Gemmell interviewed for a State Board of Education Advisory position.

Mayor Sherman attended several community meetings and City Hall Day in Bandon.

Regular Agenda

Mayor Sherman and Planning Director Dianne Snow led a discussion on workforce housing, pointing out that our options in this area are extremely limited.

City Manager Dale Shaddox suggested that steps should be made to preserve existing affordable housing.

Mayor Sherman asked for direction from Council as to whether any additional time and effort should be spent in this area by Council and staff. The general consensus was that, given the limited nature of the City's options, no additional time should be spent.

Consent Calendar

- Minutes for council meeting of October 9, 2006.

Councilor Willms moved, a second followed, and Council voted, with Councilor Anderson abstaining and an advisory "Aye" vote from Ex Officio Gemmell, to approve the Consent Calendar as written.

Final Order

Final Order and Finding of Facts in the matter of Planning Commission File No. CPZ-1-06; application for a Zone Change; Steve Cadwalader, applicant.

Councilor Mickelson moved, a second followed, and Council voted unanimously, with an advisory vote from Ex Officio Gemmell, to approve the Final Order and Finding of Facts in the Matter of Planning Commission File No. CPZ-1-06; application for a Zone Change.

Ordinance

In the matter of Ordinance No. 06-0-578, an Ordinance amending the Comprehensive Plan Designation on a parcel of land, located on North Bank Chetco River Road, from commercial to residential, and the zoning from C-4 (Tourist Commercial) to R-3 (Multi-family Residential).

Mayor Sherman read Ordinance No. 06-0-578 by Title only, the required public notifications having been made in accordance with the City Charter.

Councilor Gordon moved, a second followed, and Council voted unanimously, with an advisory vote from Ex Officio Gemmell, to approve Ordinance No. 06-0-578, an Ordinance amending the Comprehensive Plan Designation on a parcel of land, located on North Bank Chetco River Road, from commercial to residential, and the zoning from C-4 (Tourist Commercial) to R-3 (Multi-family Residential) the Final Order and Finding of Facts in the Matter of Planning Commission File No. CPZ-1-06; application for a Zone Change; Steve Cadwalader, applicant.

Remarks

Councilor Anderson requested that it be on record that there was no mention in the League of Women Voters Water Conservation Education Proposal about providing education at the school level, despite the fact that the City's Water Master Plan 2000 addressed this issue. Specifically, Councilor Anderson referred to recommendation #8 that states that the City should, "Continue to encourage the facilitation of water conservation education in the local school system to address the overall reduction per capita of residential water consumption." Councilor Anderson stated that he hoped school level education would be included in this program.

Adjournment

Councilor Gordon moved, a second followed and Council voted unanimously by voice vote to adjourn at 8:40 p.m.

Respectfully submitted:

ATTEST by City Recorder
this ____ day of _____, 2006:

Pat Sherman
Mayor

Paul Hughes
Administrative Services Director/City Recorder

MINUTES
BROOKINGS PLANNING COMMISSION
September 26, 2006

Chair Nishioka called the meeting of the Brookings Planning Commission to order at 7:00 p.m. in the Council Chambers at the Brookings City Hall on the above date with the following Commission members and staff in attendance.

Commissioners Present:

Jim Collis	Hedda Markham
Bill Dundom	Bruce Nishioka
Randy Gorman	Ron Hedenskog
	Richard Yock

Staff Present:

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

CHAIR ANNOUNCEMENTS

None.

MINUTES

1. By a 7-0 vote (motion: Commissioner Markham) the Planning Commission approved the minutes of August 1, 2006, as written.
2. By a 7-0 vote (motion: Commissioner Markham) the Planning Commission approved the minutes of September 5, 2006, as written.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

1. By a 7-0 vote (Motion: Commissioner Collis) the Planning Commission approved an application for File No.CPZ-1-06, a Comprehensive Plan change from Tourist Commercial (C-4) to Multi-family Residential (R-3) zone; located at 207 North Bank Chetco Road; Assessor's Map 41-13-05B, Tax Lots 1600, 1601, 1602, 1603, and 1700; Steve Cadwalader, applicant. The Planning Commission will make a recommendation to the City Council on this matter.

The motion was amended to include the following additional Conditions:

- *At the time of development, no more than 70 multi-family units may be sited on the subject property. At such time when mitigation for traffic problems at Constitutional Way are completed, an application to consider additional development may be submitted.*
- *Prior to the issuing of a building permit for any development, the property owner shall submit engineered analysis of sewer, water, and storm drainage needs for the specific proposal. This analysis shall also determine the adequacy of the existing infrastructure to be used to transport sewer, water, and storm drainage.*

- *Any increase in capacity needed by the proposed development must be engineered, constructed, and paid for by the property owner. The City must review and approve all plans.*

All the Commissioners declared ex parte due to familiarity of the subject property. 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 Capp, Western Land Use Services, P. O. 2937

Harbor, OR 97415

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

A recess was declared at 8:10 p.m. The meeting reconvened at 8:15 p.m.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON COUNTY REFERRELS

1. By a 7-0 vote (Motion Commissioner Markham) the Planning Commission will send a favorable recommendation to Curry County in the matter of File No. **CR-S-0501**, an approved in October, 2005, for an 11 residential-lot subdivision, referred to as *Crown West Subdivision*, a large remainder lot, and platting 3 roads and the extension of Crown Terrace; Dale Coleman, and Jodel Court; R-2 (Two-family Residential) zone; 41-13-04BA, Tax Lot 4000, Dale Coleman, applicant. The modification is for variances from 1) the pavement requirement for a "minor collector and hillside street" and 2) the "intersection spacing for a local road", Dale and JoAnn Coleman, JODEL, LLC.

Read into the record was a letter from Frank Kelly, Fire Chief of Harbor Rural Fire Protection District.

The following conditions will be included in the recommendation:

1. Construct streets as proposed in findings and shown in exhibits.
 2. Obtain written confirmation from Harbor Rural Fire District that they have reviewed and support the variance request.
2. By a 7-0 vote (Motion: Commissioner Dundom) the Planning Commission will send a favorable recommendation to Curry County in the matter of File No. **AD-0639**, a request for a variance to the *access management standards*, Section 4.050 of the CCZO, for a proposed 2 parcel partition on a 0.55 acre parcel; Assessor's Map 41-13-09, Tax Lot 1100; located at the intersection of Hwy.101 and East Benham Lane at 15983 Hannon Lane; R-2 (County Residential) zone; Michael Whipple, property owner; Jim Capp of Western Land Use Services, agent.

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

Jim Capp, Western Land Use Services, P. O. 2937

Harbor, OR 97415

Read into the record was a letter from John Brazil, Harbor Fire District volunteer.

The following conditions will be included in the recommendation:

1. Verify the new property line meets the setback from the existing dwelling.
2. Public improvements as recommended in Dan Crumbly, Curry County Roadmaster's letter, of May 9, 2005.
3. The applicant provides a scale plot plan showing the proposed dwelling on Parcel 1 complies with the required setback from the access easement on the northern property line.
4. The driveway for Parcel 2 is relocated onto subject property or an easement be obtained from the owner of Tax Lot 1101 to the south.
5. The applicant provides current utility service confirmation for sewer, water, and electricity.
6. The applicant provides a geotechnical report and engineered grading, erosion control, and drainage plans.

COMMENTS by the PLANNING STAFF

- Planning Director Snow distributed an informational sheet regarding the recent forming of the Oregon Task Force appointed by Governor Kulongoski, to study Land Use Planning for the state.
- An ODOT notice was distributed on the CARS (Constitution Way Area Refinement Study) open house, September 28th at the library.
- The commissioners were asked to bring their Municipal Code notebooks for updates which will be handed out at the next meeting, October 3, 2006.
- Discussed a report reviewing the number of meetings during the fiscal year- July 2005 to June 2006. It reflected the number of meetings has increased from once a month to twice a month, and sometimes three public hearings as occurred in November 2005.
- The second Tuesday in November falls during the week of Thanksgiving. The November 21st meeting will be November 14th. At that time Land Development Code amendments to Sections 100, 164, 170, 171, 172, and 176 will be reviewed and a recommendation forwarded to City Council.

COMMISSIONERS COMMENTS

None.

ADJOURNMENT:

With no further business before the Planning Commission, the meeting closed 8:55 p.m.

Respectfully submitted,



Bruce Nishioka, Chair

(approved at 10-17-06 meeting)

MINUTES
BROOKINGS PLANNING COMMISSION
October 3, 2006

The regular meeting of the Brookings Planning Commission was called to order by Chair Nishioka at 7:00 p.m. in the Council Chambers at the Brookings City Hall on the above date with the following Commission members and staff in attendance.

Commissioners Present:

Jim Collis Bruce Nishioka
Ron Hedenskog Richard York
Hedda Markham

Commissioners Absent: Bill Dundom and Randy Gorman

Staff Present:

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

Other:

Media-Coastal Pilot reporter, Valliant Corley
Approximately 5 participants in the audience

CHAIR ANNOUNCEMENTS

None.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

1. By a 5-0 vote (Motion: Commissioner Hedenskog) the Planning Commission voted to continue File No. **CUP-1-04/MC-1-06**, a minor change from a sheriff's substation to general Curry County offices; located at 517 Railroad Street; Assessor's Map 41-13-5CC, Tax Lot 1800; zoned R-3 (Multiple-family Residential), David Pratt, Curry County Planning Director, applicant.

The public hearing closed at 7:45 p.m. Discussion ensued. Due to questions from the Commission regarding the required Public Improvements (curb, gutter, sidewalks) at the subject property, the public hearing was re-opened at 7:50 p.m. The Chair announced the Public Hearing closed at 7:52 p.m.

After further discussion it was decided to table File No. **CUP-1-04/MC-1-06**, until an agreement can be reached between the City and Curry County regarding Public Improvements. It was agreed to continue the matter until October 17, 2006.

All the Commissioners declared ex parte due to familiarity of the subject property. 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:

David Pratt, Curry County Planning Director, P.O.Box 746	Gold Beach, OR
Kenneth Dukay, Curry County Juvenile Director, P. O. Box 746	Gold Beach, OR
Dave Sanders, Curry County Facilities Maintenance Coordinator	Gold Beach, OR

COUNTY REFERRELS

None.

COMMENTS by the PLANNING STAFF

- Planner Snow announced there would be a workshop at 6:00 p.m. with the City Manager at the November 7th meeting.
- A second meeting, November 14th, is scheduled for review of the amendments to the Land Development Code. Material was distributed to the commissioners.
- Also distributed were notebooks with the revised Chapter 17-Land Development Code.
- A public meeting has been scheduled for Wednesday, October 11th, to discuss the *Brookings-Harbor Storm Water Master Plan*. The meeting will be held at the Brookings City Hall from 5:00 p.m. to 7:00 p.m.

COMMISSIONERS COMMENTS

None.

ADJOURNMENT:

With no further business before the Planning Commission, the meeting closed 8:00 p.m.

Respectfully submitted,



Bruce Nishioka, Chair

(approved at 10-17-06 meeting)

MINUTES
BROOKINGS PLANNING COMMISSION
October 17, 2006

The regular meeting of the Brookings Planning Commission was called to order by Vice Chair Collis at 7:00 p.m. in the Council Chambers at the Brookings City Hall on the above date with the following Commission members and staff in attendance.

Commissioners Present:

Jim Collis Hedda Markham
Randy Gorman Richard Yock
Ron Hedenskog

Commissioners Absent: Dundom and Nishioka

Staff Present: Dianne Snow, Planning Director, and Cathie Mahon, Secretary.

Media-Coastal Pilot reporter, Valliant Corley

Other: Councilor Mickelson and approximately 3 participants in the audience.

CHAIR ANNOUNCEMENTS

Vice-Chair Collis opened the public hearing, stating File No. **CUP-1-04/MC-1-06**, is continued from the October 3, 2006, public hearing and open for testimony.

MINUTES

By a 5-0 vote (Motion: Commissioner Hedenskog) the Planning Commission approved the minutes of September 26, 2006, as written.

By a 4-0-1 vote (Motion: Commissioner Markham; Commissioner Gorman abstained due to absence) the Planning Commission approved the minutes of October 3, 2006, as written.

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

None.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

1. By a 4-0 vote (Motion: Commissioner Hedenskog) the Planning Commission approved an application for File No. **CUP-1-04/MC-1-06**, a request for a minor change from a sheriff's substation to general Curry County offices; located at 517 Railroad Street; Assessor's Map 41-13-5CC, Tax Lot 1800; zoned R-3 (Multiple-family Residential), David Pratt, Curry County Planning Director, applicant.
2. By a 4-0 vote (Motion: Commissioner Hedenskog) the Planning Commission approved the Final ORDER and Findings of Fact for File No. **CUP-1-04/MC-1-06**, as amended.

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

David Pratt, Curry County Planning Director, P.O. Box 746 Gold Beach, OR
Kenneth Dukay, Curry County Juvenile Director, P.O. Box 746 Gold Beach, OR

Director Dukay entered into the record a Curry County Juvenile Demographic Service Chart depicting services to the cities served by the county.

Planning Director Snow read into the record four (4) options for the applicant regarding street improvements along the Railroad Street frontage of the subject property:

1. "The applicant shall sign and record a DIA (Deferred Improvement Agreement) for future street improvements along the Railroad Street frontage. Improvements shall include curb, gutter and sidewalk, plus pavement to match existing pavement. Improvements shall also include any underground storm drainage, if required." (original Condition)
2. "The applicant shall submit engineered street improvement plans showing 5 foot sidewalk, curb and gutter, and paved road surface to the centerline along the Railroad Street frontage of the subject property. Improvements shall also include any underground storm drainage, if required. The applicant shall also submit an engineer's estimate of cost for the above described improvements. The City must review and approve the plans and the cost estimate. Prior to the issuance of a building permit, a Deferred Improvement Agreement (DIA) must be executed and recorded, secured by a performance bond in the amount of the agreed upon estimate of costs, agreeing that the public improvements will be completed prior to June 30, 2007. A one-year warranty bond in the amount equal to 10% of the value of the improvements must be provided to the City prior to the City accepting the installed public improvements."
3. "The applicant shall submit engineered street improvement plans showing 5 foot sidewalk, curb and gutter, and paved road surface to the centerline along the Railroad Street frontage on the subject property. Improvements shall also include any underground storm drainage, if required. The City must review and approve the street improvements plans prior to issuing a building permit for the project. The street improvements must be installed and approved by the City prior to issuing a Certificate of Occupancy for the building. A one-year warranty bond in the amount equal to 10% of the value of the improvements must be provided to the City at the completion of the project."
4. County's Proposed Conditions of Approval for #4 in Final Order
"The applicant shall construct street improvements along the Railroad Street frontage. The street improvements shall be limited to curb, gutter, and sidewalk."

After a through and lengthy review with the applicant, the commission amended the Final Order to included Number 1 of the 4 options.

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

COUNTY REFERRELS

None.

COMMENTS by the PLANNING STAFF

- Planning Director Snow mentioned G/S training being offered by the county at SWOCC (Southwestern Oregon Community College) on November 7th from 1:30 p.m. to 3:30 p.m.
- There will be a study session from 6:00 to 7:00 before the November 7, 2006, public hearing with City Manager Shaddox.

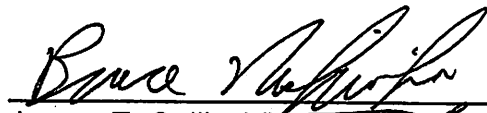
COMMISSIONERS COMMENTS

None.

ADJOURNMENT:

With no further business before the Planning Commission, the meeting closed 8:17 p.m.

Respectfully submitted,



~~James E. Collis, Vice-Chair~~ Bruce Nishioka, chair
(approved at 11-7-06 meeting)

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10/06	10/04/2006	55573	910	OR Department of Justice	10-00-2005	115.38
10/06	10/04/2006	55574	1132	OR Department of Justice	10-00-2005	322.15
10/06	10/04/2006	55575	144	OR Teamster Employers Trust	10-00-2005	13,904.64
10/06	10/04/2006	55576	189	OR Teamster Employers Trust	10-00-2005	12,166.56
10/06	10/04/2006	55577	3433	OR Teamster Employers Trust	10-00-2005	16,511.76
10/06	10/04/2006	55578	213	Teamsters Local Union 223	10-00-2005	770.00
10/06	10/04/2006	55579	3404	Teamsters Local Union 223	10-00-2005	907.00
10/06	10/05/2006	55582	3473	4imprint	10-00-2005	399.38
10/06	10/05/2006	55583	2578	Action Trophies	10-00-2005	927.70
10/06	10/05/2006	55584	3581	ALSCO	10-00-2005	99.00
10/06	10/05/2006	55585	150	Any Time Coffee Service	10-00-2005	101.50
10/06	10/05/2006	55586	2505	Aramark	10-00-2005	661.73
10/06	10/05/2006	55587	687	Ben-Ko-Matic Brush Company	10-00-2005	100.09
10/06	10/05/2006	55588	148	B-H Chamber of Commerce	10-00-2005	6,121.07
10/06	10/05/2006	55589	1522	Blumenthal Uniforms	10-00-2005	140.20
10/06	10/05/2006	55590	640	Bob Horton & Donna Goff	10-00-2005	3.89
10/06	10/05/2006	55591	988	Brookings Harbor Ford/Mercury	10-00-2005	165.24
10/06	10/05/2006	55592	313	Brookings Vol Firefighters	10-00-2005	2,083.33
10/06	10/05/2006	55593	3688	Chetco Drywall Inc	10-00-2005	14.46
10/06	10/05/2006	55594	1840	Chetco Federal Credit Union	10-00-2005	3,330.00
10/06	10/05/2006	55595	822	Coast Auto Center	10-00-2005	648.90
10/06	10/05/2006	55596	1745	Coastal Paper & Supply, Inc	10-00-2005	105.60
10/06	10/05/2006	55597	173	Curry Equipment Company	10-00-2005	211.80
10/06	10/05/2006	55598	3315	Dale Shaddox	10-00-2005	164.56
10/06	10/05/2006	55599	575	DELL Computer Corp	10-00-2005	169.99
10/06	10/05/2006	55600	316	Donald & Roberta Chandler	10-00-2005	548.00
10/06	10/05/2006	55601	3639	Gleaves Swearingen	10-00-2005	7,253.73
10/06	10/05/2006	55602	2882	Globalstar USA	10-00-2005	76.87
10/06	10/05/2006	55603	2109	Granite Construction Co.	10-00-2005	729.43
10/06	10/05/2006	55604	1082	Hilary Thompson	10-00-2005	56.69
10/06	10/05/2006	55605	3382	James G Sanborn	10-00-2005	6.37
10/06	10/05/2006	55606	3705	Jon Young	10-00-2005	58.28
10/06	10/05/2006	55607		Information Only Check	10-00-2005	.00 V
10/06	10/05/2006	55608		Information Only Check	10-00-2005	.00 V
10/06	10/05/2006	55609		Information Only Check	10-00-2005	.00 V
10/06	10/05/2006	55610		Information Only Check	10-00-2005	.00 V
10/06	10/05/2006	55611		Information Only Check	10-00-2005	.00 V
10/06	10/05/2006	55612		Information Only Check	10-00-2005	.00 V
10/06	10/05/2006	55613		Information Only Check	10-00-2005	.00 V
10/06	10/05/2006	55614	162	Kerr Hardware	10-00-2005	2,295.22
10/06	10/05/2006	55615	328	Les Schwab Tire Center	10-00-2005	524.32
10/06	10/05/2006	55616	155	Mory's	10-00-2005	12.59
10/06	10/05/2006	55617	1844	My-Comm, Inc	10-00-2005	70.50
10/06	10/05/2006	55618	2051	National Waterworks, Inc	10-00-2005	100.00
10/06	10/05/2006	55619	329	New Hope Plumbing	10-00-2005	355.50
10/06	10/05/2006	55620	3159	Northcoast Health Screening	10-00-2005	25.00
10/06	10/05/2006	55621	3561	Oil Can Henry's	10-00-2005	89.07
10/06	10/05/2006	55622	683	OR Assoc Chiefs of Police	10-00-2005	18.00
10/06	10/05/2006	55623	426	Oregon Apparatus Repair Inc	10-00-2005	4,579.90
10/06	10/05/2006	55624	1561	Pacific Coast Hearing Center	10-00-2005	35.00
10/06	10/05/2006	55625	3707	Paul Mattson	10-00-2005	38.22
10/06	10/05/2006	55626	1029	VOID - Pitney Bowes Purchase Power	10-00-2005	39.99 -
10/06	10/05/2006	55627		Information Only Check	10-00-2005	.00 V
10/06	10/05/2006	55628	3634	Pollard Water.com - East	10-00-2005	1,156.05
10/06	10/05/2006	55629	322	Postmaster	10-00-2005	675.00

M = Manual Check, V = Void Check

Check Register - Summary
 GL Posting Period(s): 10/06 - 10/06
 Check Issue Date(s): 10/01/2006 - 10/31/2006

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
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10/06	10/05/2006	55633	199	Richard Harper	10-00-2005	300.00
10/06	10/05/2006	55634	1292	Sparling Instruments Inc	10-00-2005	2,255.64
10/06	10/05/2006	55635	3635	The GPS Store	10-00-2005	688.70
10/06	10/05/2006	55636	1396	The Lifeguard Store	10-00-2005	149.75
10/06	10/05/2006	55637	2586	TMG Services Inc	10-00-2005	63.16
10/06	10/05/2006	55638	1648	Tourangeau Nor Wes Corp	10-00-2005	464.36
10/06	10/05/2006	55639	179	Trew, Cyphers & Meynink	10-00-2005	1,097.00
10/06	10/05/2006	55640	161	United Communications Inc	10-00-2005	1,495.38
10/06	10/05/2006	55641	136	United Pipe & Supply Co Inc	10-00-2005	202.60
10/06	10/05/2006	55642	861	Village Express Mail Center	10-00-2005	11.32
10/06	10/05/2006	55643	3706	Walter Ciceric	10-00-2005	32.40
10/06	10/05/2006	55644	1253	Western Burner Co Inc	10-00-2005	1,075.84
10/06	10/05/2006	55645	670	Western Equipment Distributors	10-00-2005	71.81
10/06	10/05/2006	55646	3702	William R Halbert	10-00-2005	19.45
10/06	10/05/2006	55647	253	Xerox Corporation	10-00-2005	127.64
10/06	10/12/2006	55648	3697	American Swing Products	10-00-2005	166.46
10/06	10/12/2006	55649	342	Applied Industrial Technology	10-00-2005	213.79
10/06	10/12/2006	55650	2505	Aramark	10-00-2005	349.93
10/06	10/12/2006	55651	3710	Azalea Middle School	10-00-2005	50.00
10/06	10/12/2006	55652	2353	B&H Gun Rack	10-00-2005	2,937.90
10/06	10/12/2006	55653	138	Becco, Inc	10-00-2005	57.90
10/06	10/12/2006	55654	2454	Brookings Harbor Youth Assoc	10-00-2005	150.00
10/06	10/12/2006	55655	3698	Calendars	10-00-2005	122.16
10/06	10/12/2006	55656	528	Caselle, Inc	10-00-2005	1,898.00
10/06	10/12/2006	55657	183	Colvin Oil Company	10-00-2005	2,942.39
10/06	10/12/2006	55658	182	Coos-Curry Electric	10-00-2005	1,781.64
10/06	10/12/2006	55659	3676	Craig A. Stone & Associates	10-00-2005	227.90
10/06	10/12/2006	55660	2542	Crystal Fresh Bottled Water	10-00-2005	343.00
10/06	10/12/2006	55661	389	Cummins Northwest LLC	10-00-2005	2,689.90
10/06	10/12/2006	55662	151	Curry Coastal Pilot	10-00-2005	738.60
10/06	10/12/2006	55663	195	Curry Transfer & Recycling	10-00-2005	803.08
10/06	10/12/2006	55664		Information Only Check	10-00-2005	.00 V
10/06	10/12/2006	55665		Information Only Check	10-00-2005	.00 V
10/06	10/12/2006	55666	166	Dan's Auto & Marine Electric	10-00-2005	416.35
10/06	10/12/2006	55667	259	Da-Tone Rock Products	10-00-2005	201.90
10/06	10/12/2006	55668	317	DCBS - Fiscal Services	10-00-2005	794.42
10/06	10/12/2006	55669	2827	Dianne Snow	10-00-2005	35.00
10/06	10/12/2006	55670	3711	Embarcadero Resort Hotel	10-00-2005	83.98
10/06	10/12/2006	55671	153	Ferrellgas	10-00-2005	555.08
10/06	10/12/2006	55672	3604	Gerry Hughes	10-00-2005	43.16
10/06	10/12/2006	55673	3518	GLC Concrete Construction Inc	10-00-2005	13,500.00
10/06	10/12/2006	55674	139	Harbor Logging Supply	10-00-2005	55.60
10/06	10/12/2006	55675	131	HGE, Inc	10-00-2005	1,551.12
10/06	10/12/2006	55676	2416	ITT Flygt Corp	10-00-2005	547.80
10/06	10/12/2006	55677	3709	Jodee & Patrick Sullivan	10-00-2005	13.47
10/06	10/12/2006	55678	3712	John & Josephine Brantley	10-00-2005	21.41
10/06	10/12/2006	55679	1397	L N Curtis	10-00-2005	169.72
10/06	10/12/2006	55680	1127	Lyle Signs Inc	10-00-2005	392.70
10/06	10/12/2006	55681	155	Mory's	10-00-2005	493.20
10/06	10/12/2006	55682	110	Napa Brookings	10-00-2005	99.98
10/06	10/12/2006	55683	1960	National Fire Fighter Corp	10-00-2005	1,599.00
10/06	10/12/2006	55684	1930	Northern Safety Co	10-00-2005	817.59
10/06	10/12/2006	55685	1330	Northwest Uniforms, Inc	10-00-2005	106.88
10/06	10/12/2006	55686	279	One Call Concepts, Inc	10-00-2005	34.65

M = Manual Check, V = Void Check

Check Register - Summary
 GL Posting Period(s): 10/06 - 10/06
 Check Issue Date(s): 10/01/2006 - 10/31/2006

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
10/06	10/12/2006	55687	252	Paramount Pest Control	10-00-2005	38.00
10/06	10/12/2006	55688	311	Paramount Supply Company	10-00-2005	540.69
10/06	10/12/2006	55689	1019	Phone Supplements, Inc	10-00-2005	306.80
10/06	10/12/2006	55690		Information Only Check	10-00-2005	.00 V
10/06	10/12/2006	55691	1193	PRN Data Services, Inc	10-00-2005	7,038.45
10/06	10/12/2006	55692	180	Ray's Food Place	10-00-2005	234.31
10/06	10/12/2006	55693	169	Roto Rooter	10-00-2005	664.10
10/06	10/12/2006	55694	3369	Schwabe Williamson & Wyatt PC	10-00-2005	245.00
10/06	10/12/2006	55695	3093	Shelton-Turnbull Printers Inc	10-00-2005	369.69
10/06	10/12/2006	55696	2254	Sunny Wheatley	10-00-2005	164.00
10/06	10/12/2006	55697	2738	Taser International	10-00-2005	450.00
10/06	10/12/2006	55698	3212	Terry Higgins	10-00-2005	29.18
10/06	10/12/2006	55699	3708	Therese McPartlan	10-00-2005	16.18
10/06	10/12/2006	55700	136	United Pipe & Supply Co Inc	10-00-2005	1,102.97
10/06	10/12/2006	55701	991	Verizon Northwest	10-00-2005	523.73
10/06	10/12/2006	55702	861	Village Express Mail Center	10-00-2005	54.12
10/06	10/12/2006	55703	670	Western Equipment Distributors	10-00-2005	514.54
10/06	10/12/2006	55704	551	Western Pacific Tree Serv Inc	10-00-2005	6,000.00
10/06	10/12/2006	55705	3713	Wildwood Planning Consultant	10-00-2005	945.00
10/06	10/17/2006	55706	2940	McLennan Contractors LLC	10-00-2005	32,170.23
10/06	10/18/2006	55707	1881	AFLAC	10-00-2005	303.04
10/06	10/18/2006	55708	910	OR Department of Justice	10-00-2005	115.38
10/06	10/18/2006	55709	1132	OR Department of Justice	10-00-2005	322.15
10/06	10/18/2006	55710	144	OR Teamster Employers Trust	10-00-2005	13,035.60
10/06	10/18/2006	55711	189	OR Teamster Employers Trust	10-00-2005	11,297.52
10/06	10/18/2006	55712	3433	OR Teamster Employers Trust	10-00-2005	16,511.76
10/06	10/18/2006	55713	214	Regence Life & Health Ins	10-00-2005	235.20
10/06	10/18/2006	55714	213	VOID - Teamsters Local Union 223	10-00-2005	.00
10/06	10/30/2006	55715	3404	VOID - Teamsters Local Union 223	10-00-2005	.00 M
10/06	10/19/2006	55716	3715	Alan Turner	10-00-2005	83.82
10/06	10/19/2006	55717	167	American Sigma	10-00-2005	167.50
10/06	10/19/2006	55718	100	Anchor Lock & Key	10-00-2005	40.00
10/06	10/19/2006	55719	390	APCO International	10-00-2005	112.00
10/06	10/19/2006	55720	630	AWWA	10-00-2005	305.00
10/06	10/19/2006	55721	2998	Blackbird Shopping Center	10-00-2005	1,542.78
10/06	10/19/2006	55722	1522	Blumenthal Uniforms	10-00-2005	745.95
10/06	10/19/2006	55723	417	Cabela's Inc	10-00-2005	422.70
10/06	10/19/2006	55724	193	Central Equipment Co, Inc	10-00-2005	125.08
10/06	10/19/2006	55725	3015	Charter Communications	10-00-2005	1,060.49
10/06	10/19/2006	55726	212	Chem Quip Inc	10-00-2005	1,678.08
10/06	10/19/2006	55727	822	Coast Auto Center	10-00-2005	37.08
10/06	10/19/2006	55728	1745	Coastal Paper & Supply, Inc	10-00-2005	173.10
10/06	10/19/2006	55729	182	Coos-Curry Electric	10-00-2005	3,468.68
10/06	10/19/2006	55730	173	Curry Equipment Company	10-00-2005	413.90
10/06	10/19/2006	55731	284	Day-Wireless Systems	10-00-2005	85.00
10/06	10/19/2006	55732	484	DMV	10-00-2005	6.00
10/06	10/19/2006	55733	3017	DOI-USGS	10-00-2005	7,260.00
10/06	10/19/2006	55734	749	Emerald Pool & Patio	10-00-2005	237.49
10/06	10/19/2006	55735	3339	Fernbridge Tractor & Equipment	10-00-2005	205.00
10/06	10/19/2006	55736	198	Grants Pass Water Lab	10-00-2005	154.98
10/06	10/19/2006	55737	139	Harbor Logging Supply	10-00-2005	181.90
10/06	10/19/2006	55738	131	HGE, Inc	10-00-2005	36,283.22
10/06	10/19/2006	55739	116	Hill-Donnelly/City Publishing	10-00-2005	104.57
10/06	10/19/2006	55740	3408	IDEXX Distribution Inc	10-00-2005	114.66
10/06	10/19/2006	55741	1699	Imagistics	10-00-2005	472.63
10/06	10/19/2006	55742	3655	Jim Fallman	10-00-2005	137.94
10/06	10/19/2006	55743	3586	Kenneth Ryan	10-00-2005	17.79

M = Manual Check, V = Void Check

Check Register - Summary
 GL Posting Period(s): 10/06 - 10/06
 Check Issue Date(s): 10/01/2006 - 10/31/2006

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
10/06	10/19/2006	55744	3714	Kevin Johns	10-00-2005	23.48
10/06	10/19/2006	55745	386	Lab Safety Supply Inc	10-00-2005	261.90
10/06	10/19/2006	55746	328	Les Schwab Tire Center	10-00-2005	545.32
10/06	10/19/2006	55747	3598	Mission Communications	10-00-2005	47,671.20
10/06	10/19/2006	55748	424	Munnell & Sherrill	10-00-2005	363.29
10/06	10/19/2006	55749	1844	My-Comm, Inc	10-00-2005	104.95
10/06	10/19/2006	55750	433	NCL of Wisconsin	10-00-2005	238.52
10/06	10/19/2006	55751	399	NENA	10-00-2005	120.00
10/06	10/19/2006	55752	2025	Nurnberg Scientific	10-00-2005	167.64
10/06	10/19/2006	55753	695	P & S Construction Co, Inc	10-00-2005	1,200.00
10/06	10/19/2006	55754	199	Richard Harper	10-00-2005	276.46
10/06	10/19/2006	55755	380	Stadelman Electric Inc	10-00-2005	73.00
10/06	10/19/2006	55756	2586	TMG Services Inc	10-00-2005	682.26
10/06	10/19/2006	55757	136	United Pipe & Supply Co Inc	10-00-2005	390.80
10/06	10/19/2006	55758	991	Verizon Northwest	10-00-2005	19.28
10/06	10/19/2006	55759	861	Village Express Mail Center	10-00-2005	40.09
10/06	10/19/2006	55760	917	Wm. H. Rellly & Co	10-00-2005	14,586.00
10/06	10/20/2006	55761	3716	Stephen Clark	10-00-2005	1,270.75
10/06	10/26/2006	55762	3717	Betty Moore	10-00-2005	60.00
10/06	10/26/2006	55763	164	Chambers South Inc	10-00-2005	1,436.05
10/06	10/26/2006	55764	183	Colvin Oil Company	10-00-2005	2,220.30
10/06	10/26/2006	55765	803	Commercial Landscape Supply	10-00-2005	191.31
10/06	10/26/2006	55766	182	Coos-Curry Electric	10-00-2005	15,713.15
10/06	10/26/2006	55767	284	Day-Wireless Systems	10-00-2005	886.50
10/06	10/26/2006	55768	185	Del Cur Supply	10-00-2005	131.00
10/06	10/26/2006	55769	2827	Dianne Snow	10-00-2005	104.54
10/06	10/26/2006	55770	2117	Edge Wireless	10-00-2005	349.84
10/06	10/26/2006	55771	3537	Ennis Paint	10-00-2005	873.07
10/06	10/26/2006	55772	3518	GLC Concrete Construction Inc	10-00-2005	12,150.00
10/06	10/26/2006	55773	350	John Zia	10-00-2005	3.49
10/06	10/26/2006	55774	3678	Kenneth Manuele	10-00-2005	134.00
10/06	10/26/2006	55775	2598	Larry Garcia	10-00-2005	13.00
10/06	10/26/2006	55776	424	Munnell & Sherrill	10-00-2005	121.50
10/06	10/26/2006	55777	3701	Park N Pool Corp	10-00-2005	375.40
10/06	10/26/2006	55778	2974	Pat Sherman	10-00-2005	205.70
10/06	10/26/2006	55779	380	Stadelman Electric Inc	10-00-2005	1,469.93
10/06	10/26/2006	55780	3681	Thomas Serna	10-00-2005	17.44
10/06	10/26/2006	55781	136	United Pipe & Supply Co Inc	10-00-2005	2,077.75
10/06	10/26/2006	55782	861	Village Express Mail Center	10-00-2005	59.09
10/06	10/26/2006	55783	3719	Virginia Nichols	10-00-2005	33.58
10/06	10/26/2006	55784	1483	Wall & Wall, P.C., CPA's	10-00-2005	3,000.00
10/06	10/26/2006	55785	3706	Walter Ciceric	10-00-2005	22.27
10/06	10/26/2006	55786	269	WW Grainger	10-00-2005	1,079.36
10/06	10/26/2006	55787	2985	Zoltan Gyurko	10-00-2005	1.96
10/06	10/31/2006	55788	145	EBS Trust	10-00-2005	15.30
10/06	10/31/2006	55789	910	OR Department of Justice	10-00-2005	115.38
10/06	10/31/2006	55790	1132	OR Department of Justice	10-00-2005	322.15
10/06	10/31/2006	55791	213	Teamsters Local Union 223	10-00-2005	690.00
10/06	10/31/2006	55792	3404	Teamsters Local Union 223	10-00-2005	857.00
Totals:						<u>386,472.31</u>

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
Dated: _____						
Mayor: _____						
City Council: _____						

City Recorder: _____						

CITY OF BROOKINGS POLICE DEPARTMENT

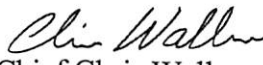
Chris Wallace, Chief of Police



To: Brookings City Council through City Manager Dale Shaddox
From: Chief Chris Wallace 27813/201
Date: 10-24-2006
Subject: Liquor License Application

The Brookings Police Department found no local disqualifying information prohibiting **Linda Wyner** with her attached liquor license application. The new deli/sandwich shop **Go-Go's** will be located at 925 Chetco Avenue, Brookings, Oregon. It is the recommendation of the Brookings Police Department the above mentioned applicant be granted her request with final approval coming from the **Oregon Liquor Control Commission**.

Respectfully submitted,


Chief Chris Wallace
Brookings Police Department



898 ELK DRIVE
Brookings, Or. 97415
www.brookings.or.us

Phone: (541) 469-3118
Fax: (541) 412-0253

America's
Wild Rivers
Coast
101 MILES OF NATURE'S BEST

OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION



PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES

- ☐ Full On-Premises Sales (\$402.60/yr)
☐ Commercial Establishment
☐ Caterer
☐ Passenger Carrier
☐ Other Public Location
☐ Private Club
☒ Limited On-Premises Sales (\$202.60/yr)
☒ Off-Premises Sales (\$100/yr)
☐ with Fuel Pumps
☐ Brewery Public House (\$252.60)
☐ Winery (\$250/yr)
☐ Other: _____

ACTIONS

- ☐ Change Ownership
☒ New Outlet
☐ Greater Privilege
☐ Additional Privilege
☐ Other _____

Applying as:

- ☐ Individuals ☐ Limited Partnership ☒ Corporation ☐ Limited Liability Company

FOR CITY AND COUNTY USE ONLY

The city council or county commission:

(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: MD7

Date: 10-16-06

90-day authority: ☐ Yes ☒ No

1. Applicant(s): [See SECTION 1 of the Guide]

① Lindyl's Enterprises, Inc. ③ _____
② _____ ④ _____

2. Trade Name (dba): GO-GO's

3. Business Location: 925 Chetco Ave Brookings Curry or 97415
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: PO Box 8159 Brookings or 97415
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541-469-7456 541-469-7456
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☐ Yes ☒ No

7. If yes to whom: _____ Type of License: _____

8. Former Business Name: A + W Restaurant

9. Will you have a manager? ☒ Yes ☐ No Name: LINDA WYNER
(manager must fill out an individual history form)

10. What is the local governing body where your business is located? Brookings, Curry County
(name of city or county)

11. Contact person for this application: Linda Wyner
(name) (phone number(s))

(address)

(fax number)

(e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① [Signature] Date 10/11/06 ③ _____ Date _____
② _____ Date _____ ④ _____ Date _____

1-800-452-OLCC (6522)
www.olcc.state.or.us

City of Brookings
898 Elk Drive
Brookings, OR 97415



COUNCIL AGENDA REPORT

To: Mayor & City Council

From: Dianne Snow, Planning Director

Date: Nov. 7, 2006

Re: Additional Meeting in November and December

Subject: Meetings to conduct public hearings on November 29, 2006 and December 18, 2006

Background /Discussion: Curry County has filed an appeal of the Planning Commission approval of a minor change to a conditional use permit, File CUP-1-04/MC-1-06. Our Ordinance requires this appeal to be heard within 40 days of the filing of the appeal. There isn't sufficient time to wait until your regular December 11, 2006 meeting. The November 29, 2006 date will allow time for the 20 day notice and be within the 40 day time limit.

The Planning Commission will be hearing a request for a Comprehensive Plan and Zone Change, File CPZ-2-06, at their regular December meeting. This application has been in progress for several months. If the Planning Commission makes a recommendation at their meeting and forwards it to you, a Council meeting on December 18, 2006 could result in a decision before the year's end.

Recommendation: Approve meeting dates as stated above.

City Manager Review and Approval for placement on Council Agenda:


Dale Shaddox, City Manager

CITY OF BROOKINGS

City Council Agenda Report



Date: November 6, 2006

To: Mayor & City Council

From: Paul Hughes, Administrative Services Director

Subject: Water Rate Increase to fund the Oregon Economic Community Development Department (OECDD) Special Public Works Annual Debt Service of approximately \$308,000.

Recommendation: **Approve Resolution 06-R-761 increasing water utility rates effective December 1, 2006, for the purpose of funding the debt service created from the OECDD loan.**

Background /Discussion:

During the October 9th City Council presentation, staff presented statewide water rate information available through the League of Oregon Cities. The data illustrated that the City of Brookings current residential water rate, based on 5,000 gallons of usage, at \$20.16, was below the state average of \$22.87. Based on the same usage of 5,000 gallons, the proposed residential water rate necessary to fund the OECDD loan debt is \$25.47; an increase of \$5.31 per month. This increase will obviously fluctuate per household and business based on water consumption. Staff is recommending that rates be increased effective December 1, 2006, in order to have funds available to make the first debt service payment due one year after the loan is received. Resolution 06-R-761 increases the **Inside City Limits** base fee from \$6.20 to \$8.37 and the usage fee from \$1.34 to \$1.81 per 100 cubic feet of water. The **Outside City Limits** base fee increases from \$12.41 to \$16.75 and the usage fee increases from \$2.68 to \$3.63 per 100 cubic feet of water.

Financial Impact(s):

The \$4 million OECDD loan will create an annual debt service payment of approximately \$308,000 which will be funded by the recommended water rate increase.

City Manager Review and Approval for placement on Council Agenda:


Dale Shaddox, City Manager

In the Matter of a Resolution Adopting) *Resolution 06-R-761*
Rates, Fees and Charges to the Users of the)
City of Brookings Water Supply Services and)
Repealing Resolution 06-R-754)

After Hours Call Out Fee	\$110.00
Meter Test	\$50.00
Connection Fees:	
Meter Drop – In	\$110.00
Service Pipe Extension and Meter Installation	
3/4"	\$2,500.00
3/4" – Outside City Limits	\$3,800.00
1"	\$2,900.00
1 1/2"	\$4,700.00
2"	\$6,500.00

BE IT FURTHER RESOLVED that Resolutions 05-R-746, 92-R-534 and 93-R-553 are repealed in their entirety.

DATED and signed this _____ day of November, 2006,

Pat Sherman
MAYOR

ATTEST:

Paul Hughes
City Administrative Services Director/Recorder

BUILDING DEPARTMENT ACTIVITIES SUMMARY

For the Month of: October 2006

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	39	\$8,149,844.00	40	\$8,550,671.00
1	Single Family Addition	\$146.50	\$95.23	\$11.72	\$0.00	\$20,000.00	12	\$577,507.00	15	\$407,119.00
2	Single Family Garage-Carport	\$191.00	\$124.16	\$15.28	\$0.00	\$23,562.00	10	\$108,647.00	12	\$267,506.00
0	Two Family Residential	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	4	\$1,117,383.00	10	\$3,894,313.00
0	Multi-Family Residential Apts	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	2	\$1,372,930.00	0	\$0.00
0	Commercial New	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	7	\$1,377,347.00	4	\$546,096.00
4	Commercial Addition-Change	\$749.50	\$487.19	\$59.96	\$0.00	\$118,000.00	13	\$206,727.00	6	\$6,086,307.00
0	Churches	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	1	\$71,936.00
0	School Repair-Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	2	\$16,870.00
2	Building Removal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	8	\$0.00	4	\$0.00
2	Misc.-Retaining Wall-Fence	\$104.50	\$67.93	\$8.36	\$0.00	\$10,000.00	20	\$285,662.00	22	\$466,236.00
11	Total Building Permits	\$1,191.50	\$774.51	\$95.32	\$0.00	\$171,562.00	115	\$13,194,047.00	116	\$20,307,054.00
3	Mechanical Permits	\$62.70	\$0.00	\$5.02	N/A	N/A	79	N/A	82	N/A
1	Plumbing Permits	\$47.60	N/A	\$3.81	\$10,286.70	N/A	53	N/A	52	N/A
0	Mfg Home Install - Permit Fee	\$0.00	\$0.00	\$0.00	\$0.00	N/A	2	N/A	3	N/A
0	Mfg Home Install - Administrative Fee	\$0.00	N/A	\$0.00	N/A	N/A	2	N/A	4	N/A
15	TOTAL PERMITS	\$1,301.80	\$774.51	\$104.14	\$10,286.70	\$171,562.00	251	\$13,194,047.00	257	\$20,307,054.00
	Total Year to Date Calculated Fees	\$51,814.72	\$31,745.51	\$4,200.37	\$498,784.90					
	2005 YTD Calculated Fees	\$72,693.95	\$49,447.45	\$5,110.19	\$497,775.00					

URBAN RENEWAL DISTRICT - BUILDING DEPARTMENT ACTIVITIES SUMMARY

For the Month of: **October 2006**

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	0	\$0.00	2	\$577,906.00
0	Single Family Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	1	\$83,096.00	0	\$0.00
0	Single Family Garage-Carport	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	2	\$45,695.00
0	Two Family Residential	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	Multi-Family Residential Apts	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	Commercial New	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	7	\$1,377,347.00	4	\$546,096.00
3	Commercial Addition-Change	\$645.00	\$419.26	\$51.60	\$0.00	\$105,000.00	10	\$162,754.00	4	\$6,059,307.00
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	0	\$0.00	0	\$0.00
0	Misc.-Retaining Wall-Fence	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	3	\$22,934.00	2	\$262,751.00
3	Total Building Permits	\$645.00	\$419.26	\$51.60	\$0.00	\$105,000.00	21	\$1,646,131.00	14	\$7,491,755.00
1	Mechanical Permits	\$25.00	\$0.00	\$2.00	N/A	N/A	9	N/A	8	N/A
0	Plumbing Permits	\$0.00	N/A	\$0.00	N/A	N/A	6	N/A	4	N/A
0	Mfg Home Install - Permit Fee	\$0.00	N/A	\$0.00	N/A	N/A	0	N/A	0	N/A
0	Mfg Home Install - Administrative Fee	\$0.00	N/A	\$0.00	N/A	N/A	0	N/A	0	N/A
4	TOTAL PERMITS	\$670.00	\$419.26	\$53.60	\$0.00	\$105,000.00	36	\$1,646,131.00	26	\$7,491,755.00
	Total Year to Date Calculated Fees	\$6,982.60	\$4,977.52	\$558.61	\$66,567.44					
	2005 YTD Calculated Fees	\$21,697.90	\$19,794.09	\$1,518.86	\$65,804.00					

Oregon Shores Conservation Coalition

P. O. Box 1344

Depoe Bay, Oregon 97341

The Honorable Pat Sherman, Mayor
City Council
City of Brookings
898 Elk Drive
Brookings, OR 97415

November 29, 2006

Dear Mayor Sherman and City Councilors,

Oregon Shores Conservation Coalition ("Oregon Shores") is a statewide conservation organization with a mission to protect the coast, its natural resources and traditional economies. This letter is written on behalf of Oregon Shores and its many members and supporters in Curry County.

Oregon Shores has had a long-term interest in the development of the Lone Ranch property, owned by the U.S. Borax Corporation. Little activity has taken place for some time, and Oregon Shores would like to make it clear that there are some serious issues related to any proposed development. In this letter we summarize some of those issues.

1. Cultural resources

The Master Plan for the proposed Lone Ranch Development includes a condition that requires compliance with state regulations protecting historic sites that are identified. The full extent of the potential impact on cultural and historic resources is unknown because Borax and the City have deferred the actual study of potential effects until detailed development plans are designed for the site.

In a memorandum dated August 10, 2004, Timothy Ramis, the attorney for U.S. Borax, stated, "...Goal 5 does adopt a policy of protecting cultural resources, and the City is required to act in compliance with Goal 5. Goal 5's requirement of an inventory of cultural resources is a requirement imposed on the City, not individual property owners."

It is clear from correspondence on August 16, 2004 between Dr. Dennis Griffin, the State Archeologist (located in Oregon Parks and Recreation Department), and the City of Brookings that the Lone Ranch site has a rich history of Native American settlement, and that additional resources from those known most likely exist on the site:

Concern over the proposed development of the Borax property centers around known ethno historic, oral historic, ethnographic, and archaeological information that supports long term continued use of the Borax property. Known information on the area includes: ethno historic documents describing extensive use of the area and the existence of subsistence related features within the project area; Chetco oral historic accounts of a large Native village with many house pits located on the property; ethnographic documents show the Jedediah Smith Historic Trail crossing a portion of the property; and archaeological data confirms the close proximity of the Lone Pine village site, a large village site located due west of the project area, and the large number of archaeological sites that have been identified on the property to date (one of which has been previously disturbed from a water well testing operation).

State law regulates conduct impacting an archeological site on public and private lands. ORS 358.905 to 961. A person may not excavate, injure, destroy or alter an archaeological site or object or remove an archaeological object located on public or private lands in Oregon unless that activity is authorized by permit. ORS 358.920, ORS 390.235. If sacred or cultural resources are discovered the SHPO and the appropriate tribe or religious group must be notified of the discovery and appropriate steps taken. ORS 358.945, 358.950. Additionally, the state has adopted specific laws to prevent and minimize the disturbance of a Native American cairn or burial site. ORS 97.740-60.

Section 106 of the National Historic Preservation Act ("NHPA") requires that federal agencies undertake two actions prior to licensing or funding activities that may impact properties that are listed or eligible for listing on the National Register of Historic Places. 16 U.S.C. § 470(f) (2004); see also 36 C.F.R. § 60.4 (establishing criteria for inclusion in National Register). First, the agency must take into account the effect of the project on the historic properties. Second, the agency must consult with the Advisory Council on Historic preservation. The Lone Ranch Development project will require a permit from the Army Corps of Engineers (ACOE) pursuant to the Clean Water Act to disturb wetlands on the development site and the agency will be obligated to comply with the requirements of the NHPA during the permitting process.

ACOE regulations supplement the requirements of the NHPA by including in the § 404 public interest analysis a consideration of the cultural resources impacted by the project. 33 C.F.R. § 320.4(e). The ACOE must include in its public notice of the permit application its current knowledge of the existence of historic properties. 33 C.F.R. § 325, App. C, 4. Accordingly, since the survey undertaken by Borax has revealed the existence of cultural or historic resources, the NHPA and ACOE regulations require the ACOE to assess the impact of the project on these resources.

A federal permitting agency must undertake a section 106 review prior to approving a federal license or funding for a project. 33 C.F.R. § 800(c). As much as possible the agency is encouraged to coordinate § 106 compliance with analysis under NEPA. 33 C.F.R. § 800.8. The agency considering the licensing or funding of the project must consult with the State Historic Preservation Officer (“SHPO”) and identify any concerned parties that should have input. The agency and the officer must consider all written requests to participate in the process. 36 C.F.R. § 800.3(f). If the agency determines that there are historic properties or if the SHPO objects to a finding of no effect, the agency must notify all concerned parties and undertake an assessment of adverse effects. 36 C.F.R. § 800.4(d). If adverse effects are identified, the agency must work with concerned parties and the SHPO to minimize or mitigate the effects. 36 C.F.R. 800.6(a).

2. Estuarine/coastal resources

Goal 16 was not addressed in the Master Plan for the Lone Ranch property, because it was claimed that the Chetco River and its estuary would not be impacted by the development. U.S. Borax and its consultants. This claim was based on the purported abundance of potable water located on the property. It is now known that the proposed development will require potable water from the Chetco River, as well as sewage treatment by the City of Brookings. The need for sewage treatment for a proposed development of this size will overwhelm current sewage treatment facilities in the City. Sewage overflows would certainly have negative impacts on the Chetco estuary and the bay. Further, the Chetco is the principle source of potable water for the City. The addition of Lone Ranch’s water needs will have a significant impact on the river’s in-stream flows required for salmon and other aquatic life. Given these effects, Goal 16 must be addressed before any development takes place. It is insufficient to address these serious Goal 16 problems in the Detailed Development Plans, since they provide no venue for a comprehensive assessment of potential problems.

3. Requirements of the LUBA remand

The remand from the Land Use Board of Appeals (April, 2005), and the subsequent conditions of approval require U.S. Borax to obtain all state and federal permits related to the direct impacts of waters of the state or federal governments, before any development takes place. Another condition requires a hydrologic study with each DDP, which must be coordinated with the federal and state agencies responsible for wetlands and/or endangered species protection. This is, in other words, a requirement for wetlands surveys. In addition, the U.S. Fish and Wildlife Service (USFWS) has stated its requirement for a protocol survey of the Lone Ranch property which constitutes suitable habitat for the federally-endangered marbled murrelet. Neither of these issues has been addressed by Borax, according to Janet Morlan Department of State Lands and Craig Tuss Department of the Interior, Fish and Wildlife.

City of Brookings Ordinance 02-0-548, Attachment "B,"p. 5-4, No. 1, states: "It is the policy of the City of Brookings to protect natural and scenic resources by encouraging the conservation of ecologically and scientifically significant natural areas, scenic views and sites, historic areas..."

Since old growth trees are both a natural and scenic resource, as well as ecologically essential to the murrelet, it is incumbent on the City to ensure compliance with its own Comprehensive Plan policies, ordinances and regulations, as well as state and federal laws when meeting and negotiating with U.S. Borax or potential purchasers/developers of the property.

Oregon Shores hopes to work with the City to ensure that the very important cultural and ecological resources of the Lone Ranch property are protected. We are very concerned that the track record so far of work on the Lone Ranch property has not indicated a strong commitment to addressing and meeting the need for such protections. Thank you, sincerely,


Catherine Wiley, Curry County Chapter
Member of the Board, Oregon Shores Conservation Coalition

Attachments: 1.Cascade Resources Advocacy Group Remand Letter, 8/16/2005
2. Brookings City Council Conditions of Approval, MPoD 1-04



Cascade Resources
ADVOCACY GROUP

JAMES D. BROWN
STAFF ATTORNEY

Tel 503.525.2724
jd@crag.org

Via U.S. Mail

August 16, 2005

John B. Trew
Trew Cyphers & Meynink
222 East 2nd Street
PO Box 158
Coquille, OR 97423

John Bischoff
Planning Director
898 Elk Drive
Brookings, OR 97415

Re: Remand of Approval of Lone Ranch Master Plan of Development,
File No. MPD-1-04

Dear Mr. Trew and Mr. Bischoff:

I submit these comments regarding the above referenced matter on behalf of the petitioners for the appeal that is the subject of this remand, specifically the Oregon Shores Conservation Coalition, Citizens for Orderly Development, Peter Chasar, Catherine Wiley, and Bill Smith. This remand follows from an opinion issued by the Land Use Board of Appeals ("LUBA") on April 20, 2005 in the matter entitled Oregon Shores Conservation Coalition et al. v. City of Brookings, LUBA No. 2004-192 ("Opinion"). I request that these comments be made part of the record for this remand, which is scheduled to be heard by the Brookings City Council on August 22, 2005.

The applicant, U.S. Borax, Inc., has identified two issues for the remand hearing. First, the applicant has identified the need to condition the approval of the application with an assurance that the Master Plan of Development ("MPoD") will comply with standards relating to the protection of wetlands and the western lily. Second, the

applicant has identified the need to adopt findings to support the approval of alternative development standards.

Assurance of Compliance with Standards for Protection of Wetlands and Western Lily

Petitioners object to the proposed language recommended by the applicant for Condition of Approval 28 because the proposed condition fails to assure that the MPoD will comply with standards relating to the protection of wetlands and the western lily.

The applicant has recommended the City revise Condition of Approval 28 to read:

A hydrologic study shall be provided with each DDP, and any such study must be provided to federal and state agencies responsible for wetlands and endangered species protection. The City will review the hydrologic study to determine compliance with applicable standards relating to storm drainage and to determine any impact on wetlands designated for protection and on western lilies. At the time of DDP review, the City may require changes to the DDP that it determines are needed to protect wetlands and western lilies.

The applicant's recommended condition is inadequate to provide the assurances required by the Opinion. To assure that the MPoD complies with Brookings Development Code and Brookings Comprehensive Plan provisions governing the protection of wetlands and the western lily, LUBA stated: "We see no reason why the city could not amend condition 28 to provide that the city will revisit the BLDC and BCP provisions that petitioners cite when it considers DDPs and the hydrologic study available to determine at that time that the MPoD adequately protects the wetlands and the western lily." Opinion at 30-31. While it may have been the applicant's intent to follow the Opinion's recommendation, the proposed condition fails to require the City to revisit compliance with the applicable standards relating to the protection of wetlands and the western lily. The proposed condition requires only that the City review the hydrologic studies to determine compliance with applicable standards relating to storm drainage. There is no similar requirement that the City determine compliance with the applicable standards governing the protection of wetlands and the western lily. Instead the condition solely requires that the City review the hydrologic studies to determine impacts to wetlands and to western lilies. The wording of the condition is inconsistent with the applicant's own statement that LUBA remanded the matter "to assure compliance with standards relating to wetlands and the western lily."

This is an important distinction, as a central basis for LUBA's decision to affirm many aspects of the MPoD was based on the City's imposition of conditions that guarantee that the City will revisit many of the applicable standards governing the approval of a master plan prior to approving a Detailed Develop Plan ("DDP") for the development. Specifically, LUBA determined that while the City may defer a finding of compliance with MPoD approval standards until the DDP approval stage, in order to defer compliance with MPoD criteria the City must impose an adequate condition to

require a demonstration of compliance with the MPoD approval standard at the time of the DDP approval. Opinion at 11.

There are several standards applicable to the issue of whether the proposed MPoD will adequately protect wetlands and the western lily. These standards include BDC 70.070(D), which requires that "[t]he proposed MPoD will demonstrate that the plan respects the physical characteristics of the site." Second, BDC 70.070(A) requires the MPoD to be consistent with the purposes identified in BDC 70.010 and the intent of the MPD zone. BDC 70.010 in turn requires in part that MPD zone will "[p]reserve to the greatest extent possible existing landscape features and amenities, and utilize such features in a harmonious manner." Third, the MPoD must comply with the Brookings Comp Plan. Specifically, the MPoD must comply with Comp Plan Goal 5, which is "[t]o conserve open space and protect natural and scenic resources and historic areas while providing for the orderly growth and development of the City," and Comp Plan Goal 6, which is "[t]o maintain and improve the quality of the air (including the control of noise pollution), water and land resources of the Brookings area." The City must condition the approval of the MPoD with an assurance that proposed development will comply with these standards prior to the approval of a DDP.

A second objection that petitioners have regarding the applicant's proposed condition is the limitation in the condition that the City review the hydrologic studies to determine impacts on "wetlands designated for protection". There has been controversy regarding the completeness of the applicant's wetlands delineation process. The condition should not be limited to assuring less than protection for all wetlands and western lilies impacted by the development.

Third, petitioners request that the City include in the condition a requirement that that each hydrologic study consider the cumulative impacts of the proposed development. Petitioners and the U.S. Fish & Wildlife Service have requested a comprehensive hydrologic study that would examine the impact of the development as a whole on the wetlands and the western lily. In addressing this concern, LUBA states that it presumed that each successive hydrologic study will incorporate and consider the previously prepared hydrologic studies. Opinion at 31. Petitioners request that this presumption be made explicit in the condition.

To address these objections, petitioners request the following changes to Condition of Approval 28:

A hydrologic study shall be provided with each DDP, and any such study must be provided to federal and state agencies responsible for wetlands and endangered species protection. Each successive hydrologic study will cumulatively incorporate and consider the information provided in the previously prepared hydrologic studies. The City will review the hydrologic study to determine compliance with applicable standards relating to storm drainage and to determine compliance with standards relating to the protection of any impact on wetlands designated for

~~protection~~ and ~~on~~ western lilies. At the time of DDP review, the City shall
~~may~~ require changes to the DDP that it determines are needed to comply
with applicable standards and to protect wetlands and western lilies.

Alternative Street Standards

Petitioners have only limited concerns regarding the alternative street standards proposed. The applicant's proposed additional finding ¶ 6 states: "For those streets that are not to have curbs, swales may be included." Petitioners would like the adoption of swales to be a mandatory requirement. A stated purpose for the alternative street standards is to reduce impacts to stream corridors, wetlands and the western lily. The adoption of swales to control run off and to filter pollution will help to lessen the impact on these resources.

Sincerely,



James D. Brown

cc: Timothy Ramis, Attorney for U.S. Borax
Craig Tuss, U.S. Fish & Wildlife Service
Janet Morlan, Oregon Department of State Lands
Teena Monical, U.S. Army Corps of Engineers

CONDITIONS OF APPROVAL
LONE RANCH MASTER PLAN
MPD-1-04
(As Amended by the City Council)

General Conditions

1. Approval of this Master Plan will expire in 15 years or in four (4) years from approval, unless a Detailed Development Plan (DDP) pursuant to Section 70, Master Plan Development District, of the Land Development Code, is submitted and approved by the Planning Commission and construction of the DDP shall start within three years of approval. Each subsequent DDP must be filed within four (4) years of the completion of the previously approved DDP, or the Master plan will expire. If the conditions at the time warrant, the Planning Commission may extend the 15 year Master Plan permit or the four (4) year DDP permit period for an additional two-year period at the request of the applicant.
2. The conditions stated herein are mandatory and must be completed. Failure to comply with any condition will result in the review and possible revocation of your permit pursuant to Section 70, of the Land Development Code.
3. All subsequent applications for a DDP shall be in substantial conformance with the appropriate area of the approved Master Plan. Any deviation from the approved Master Plan beyond that allowed by Section 70 of the Land Development Code shall require an amendment to the approved Master Plan.
4. Prior to any construction or grading on the site, the applicant shall submit 4 copies of the construction plans to the city staff to be reviewed and approved by the City Engineer. With the exception of the removal of the rock and reclamation in the area of the existing quarry, (ODOT Quarry and college site) the applicant shall submit a DDP for review and approval of the Planning Commission prior to construction or grading for that phase of the construction.
5. Prior to any construction or grading on the site, the contractor will place, in a location visible from an existing public street, a sign containing the name of the contractor, a telephone number and address where the contractor can be reached.
6. The applicant shall consult with all applicable state and federal agencies to develop measures to protect the existing wetlands and the associated western lily.

Conditions Prior To Development of Any Collage, Commercial or Residential Phase.

To ensure that all infrastructure facilities are in place to support the first phase of development, the following conditions shall be met prior to or simultaneously with the approval of the first phase of construction for either commercial, collage or residential development on the site.

7. Prior to any construction within the project area, the applicant shall submit four (4) copies of street construction plans providing access into the site, for review and approval of the City Engineer and an application for a DDP for the street construction for review and approval by the Planning Commission.

8. All streets shall be constructed in the manner and standards set forth in the approved Master Plan for that street segment. Any deviation from that of the approved Master Plan beyond that allowed by Section 70 of the Land Development Code shall require an amendment to the Master Plan document.
9. Prior to any construction within the project area, the applicant shall submit four (4) copies of water system construction plans providing service to the construction site, for review and approval of the City Engineer and an application for a DDP for the water system construction for review and approval by the Planning Commission.
10. All water lines shall be installed pursuant to the provisions set forth in the OAR Chapter 33, Sections 42-200 through 42-243, by the Oregon State Health Division and the City of Brookings Standard Specifications Document.
11. Prior to any construction within the project area, the applicant shall submit four (4) copies of sanitary sewer construction plans providing service to construction the site, for review and approval of the City Engineer and an application for a DDP for the sanitary sewer system construction for review and approval by the Planning Commission.
12. Sanitary sewer installation shall comply with the standards of the State of Oregon Department of Environmental Quality and the provisions of Brookings City Ordinance No. 430, and Standard Specifications Document, dated August 1988.
13. All development shall comply with the state regulations regarding cultural resources, specifically, ORS 358.905 to 358.955, ORS 390.235 to 390.240 and ORS 97.740 to 97.760, to the extent applicable.
14. All street, water, sewer storm drainage and other utility construction to be carried out simultaneously may be included in one DDP for review and approval by the City Engineer and Planning Commission.
15. The project water system shall be developed to connect to the existing city system and allow reverse flows.
16. The applicant shall be prepared to provide a geological report related to the installation and construction of streets and utilities if required by the City Engineer.

Conditions for the Development of Commercial, College or Residential Phases.

17. Prior to the construction of any phase or partial phase of the project the applicant shall submit a DDP pursuant to Section 70 of the Land Development Code, for review and approval by the Planning Commission.
18. Each DDP shall be in significant conformance for that phase or partial phase of the area shown in the approved Master Plan. Any deviation beyond that allowed by Section 70 shall require an amendment to the Master Plan document.

19. Each phase of development shall be complete within itself for access, water service, sewer service, storm drainage, and all utilities, and all streets, services and utilities shall be extended to the furthest limit of the phase to ensure connection to the next phase.
20. Each DDP containing slopes greater than 15% shall include a geological report pursuant to Section 100, Hazardous Building Site/Hillside Development Standards, of the Land Development Code.
21. All appropriate federal and state permits related to the direct impact of development on the waters of the State or U.S. shall be obtained prior to development.
22. Prior to approval of the Detailed Development Plan (DDP), covenants, which are enforceable by the city, protecting Western Lilies shall be provided as part of each DDP, which includes known Western Lily habitat.
23. Prior to construction of any phase that may adversely affect the quality or quantity of water available through the existing Rainbow Rock Service Association (RRS) surface water supply system, the applicant shall demonstrate how such adverse impacts will be mitigated or that RRSA can obtain an adequate alternative water supply. Each DDP shall evaluate the impact of development on the existing RRSA surface water system, unless RRSA has previously discontinued use of the system.
24. All required improvements to Highway 101 at the Lone Ranch access as identified in the Lone Ranch Transportation Impact Study, dated April 19, 2004 shall be required as part of the ODOT access permit for that entrance. The specific configuration of the improvements to Highway 101 at the southern access will be negotiated between the applicant and ODOT.
25. The applicant shall support any future effort to reestablish the ability for fish passage under Highway 101 for Lone Ranch Creek, Ram Creek and Taylor Creek. "Support" means that the applicant shall not oppose such efforts.
26. If any DDP will result in development that is projected to exceed the 1036 total master plan PM peak hour trips or the 839 net new PM peak hour trips as identified in the Lone Ranch Transportation Impact Study, taking into account traffic generated in previous phases, an additional transportation impact study will be required to be submitted with the DDP application and the DDP may be approved only if consistent with the Transportation System Plan.
27. To assure that the mobility standards are met at the intersection of Highway 101/Carpenterville Road, no DDP should be approved that would exceed the acceptable ODOT mobility standards for Highway 101/Carpenterville Road intersection until the City of Brookings TSP is amended to identify recommend improvements or a change to standards and the Lone Ranch development pays a proportionate share to these improvements. Analysis at Highway 101/Carpenterville Road should be conducted to determine the level of impact for each DDP until the City of Brookings TSP is amended to include the necessary improvements.

28. A hydrologic study shall be provided with each DDP, and any such study must be provided to federal and state agencies responsible for wetlands and endangered species protection. The City will review the hydrologic study to determine compliance with applicable standards relating to storm drainage.
29. The applicant shall establish Covenants, Conditions and Restrictions (CC&Rs) requiring the Homeowners' Association or Associations to maintain drainage swales located adjacent to streets that do not have curbs and gutters or other hard drainage systems. The CC&Rs shall provide that the city may enforce the maintenance of the swales, which includes the right to access all properties necessary to conduct the maintenance, either through legal action or by providing the maintenance and billing the Homeowners' Association or Associations. All such expenses, costs, and charges may be enforced by the city as liens against the real properties of individual members of the Homeowners' Association or Associations. The CC&Rs shall also contain a clause stating that any proposed change to this covenant must be approved by the city. The proposed CC&Rs as to the maintenance of the swales and the city's ability to enforce the CC&Rs, must be approved by the city prior to recordation.
30. The Master Plan document ~~is hereby~~, amended to include all changes made by the Errata Sheet dated June 4, 2004, and to indicate that the maximum building height for single family detached and single family attached homes is 35 feet and the maximum building height for multiple family and commercial buildings is 40 feet. The applicant shall provide the city with 4 copies of the amended Master Plan document.

Deleted: hall be

Deleted: and the "Response to Comments" document dated June 14, 2004

- - Property Data Selection Menu - -

*
 Owner: U S BORAX CHEMICAL COMPANY
 Prop ID : R35096 (Real Estate) (24029) ATTN BERNADETTE
 Map Tax Lot: 4014-00 -02402-00 26877 TOURNEY RD
 Legal : SPLIT CODE W/17-3 R34519. ACRES VALENCIA, CA 91355
 383.33

Situs : Year Built :
 Living Area:
 Name(s) : 2006 Roll Values
 Code Area : 17-1 RMV Land Non-LSU \$ 0 (+)
 Sale Info : RMV Land LSU \$ 1,976,290 (+)
 Need Type : RMV Improvements \$ 0 (+)
 Instrument: RMV Total \$ 1,976,290 (=)
 2006 Tax Status * Unpaid Taxes * Land LSU \$ 115,430
 Current Levied Taxes : 1,236.88 Total Exemptions \$ 0
 Special Assessments : M5 Net Value \$ 157,580
 2007-08 SB125 Taxes : M50 Assd Value \$ 115,430

(AD) Alt Disp	(L)and/Impr	(O)wnership	(H)istory
(W) Spec Assmt	(E)vents	(T) OTC Tax	(.) More

Enter Option from Above or <RET> to Exit: __

- - Property Data Selection Menu - -

Prop ID : R34519 (Real Estate) (24029) Owner: U S BORAX CHEMICAL COMPANY
 Map Tax Lot: 4014-00 -02402-00 (24029) ATTN BERNADETTE
 Legal : SPLIT CODE W/17-1 R35096. ACRES 26877 TOURNEY RD
 111.07 VALENCIA, CA 91355

Situs : Year Built :
 Living Area:
 2006 Roll Values
 Name(s) : RMV Land Non-LSU \$ 0 (+)
 Code Area : 17-3 RMV Land LSU \$ 572,630 (+)
 Sale Info : RMV Improvements \$ 0 (+)
 Deed Type : RMV Total \$ 572,630 (=)
 Instrument: Land LSU \$ 30,230
 2006 Tax Status * Unpaid Taxes *
 Current Levied Taxes : 204.07 Total Exemptions \$ 0
 Special Assessments : 92.72 M5 Net Value \$ 41,240
 2007-08 SB125 Taxes : M50 Assd Value \$ 30,230

(AD) Alt Disp	(L)and/Impr	(O)wnership	(H)istory
(W) Spec Assmt	(E)vents	(T) OTC Tax	(.) More

Enter Option from Above or <RET> to Exit: __

- - Property Data Selection Menu - -

Prop ID : R34518 (Real Estate) (24029) Owner: U S BORAX CHEMICAL COMPANY
Map Tax Lot: 4014-00 -02401-00 (24029) ATTN BERNADETTE
Legal : PARCEL 2 PART PLAT 2001-14. ACRES 26877 TOURNEY RD
86.84 VALENCIA, CA 91355

Status : Year Built :
Living Area:
2006 Roll Values
Name(s) : RMV Land Non-LSU \$ 0 (+)
Code Area : 17-1 RMV Land LSU \$ 958,410 (+)
Sale Info : RMV Improvements \$ 0 (+)
Deed Type : RMV Total \$ 958,410 (=)
Instrument: Land LSU \$ 28,370
2006 Tax Status * Unpaid Taxes * Total Exemptions \$ 0
Current Levied Taxes : 303.99 M5 Net Value \$ 38,730
Special Assessments : M50 Assd Value \$ 28,370
2007-08 SB125 Taxes :

(AD) Alt Disp	(L)and/Impr	(O)wnership	(H)istory
(W) Spec Assmt	(E)vents	(T) OTC Tax	(.) More

Enter Option from Above or <RET> to Exit: _

- - Property Data Selection Menu - -

op ID : R20325 (Real Estate) Owner: U S BORAX CHEMICAL COMPANY
 Map Tax Lot: 4014-00 -02400-00 (24029) ATTN BERNADETTE
 Legal : PARCEL 1 PART PLAT 2001-14. ACRES 26877 TOURNEY RD
 80.01 VALENCIA, CA 91355

Situs :	Year Built :
Name(s) :	Living Area:
Code Area : 17-1	2006 Roll Values
Sale Info :	RMV Land Non-LSU \$ 0 (+)
Deed Type :	RMV Land LSU \$ 936,120 (+)
Instrument:	RMV Improvements \$ 0 (+)
2006 Tax Status * Unpaid Taxes *	RMV Total \$ 936,120 (=)
Current Levied Taxes : 234.23	Land LSU \$ 21,860
Special Assessments :	Total Exemptions \$ 0
2007-08 SB125 Taxes :	M5 Net Value \$ 29,860
	M50 Assd Value \$ 21,860

(AD) Alt Disp	(L)and/Impr	(O)wnership	(H)istory
(W) Spec Assmt	(E)vents	(T) OTC Tax	(.) More

Enter Option from Above or <RET> to Exit: __

Curry County Juvenile Department Demographic Supervision/Service Chart 11/27/06

	Brookings	Gold Beach	Port Orford	Other Location	Total
Probation	25	6	0	2	33
OYA	14	5	0	2	21
Diversion	3	0	1	1	5
FAA	6	7	2	0	15
Drug & Alcohol	9	6	1	1	17
Community Service	10	3	3	1	17
JCP	17	8	3	0	28
Total (136)	84	35	10	7	136

