

**AGENDA**  
**City of Brookings**  
**Common Council Meeting**  
Brookings City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon 97415  
Wednesday, November 29, 7:00 p.m.

**I. Call to Order**

**II. Pledge of Allegiance**

**III. Roll Call**

**IV. Public Hearing**

An appeal, File No. APP-4-06, of the Planning Commission's approval (File No. CUP-1-04/MC-1-06) for a minor change to a conditional use permit formerly approved (January 2004) for a sheriff's substation, now requesting use as 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, appellant. Criteria used to decide this case can be found in the City of Brookings Land Development Code, Chapters 17.28.040(O) Multi-family Residential District, Conditional Uses-Professional business and service offices; 17.136 Conditional Use Permit and 17.152 Appeal to the City Council. [pg. 5]

**V. Oral Requests and Communications from Audience**

**A. Committee and Liaison Reports**

1. Chamber of Commerce
2. Council Liaisons

**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.

**VI. Consent Calendar**

- A. Approval of Council Meeting minutes for November 13, 2006.** [pg. 37]
- B. Approval to accept Ron Hedenskog's resignation, effective December 31, 2006, and advertise his vacated position on the Planning Commission.** [pg. 41]

**VII. Final Order**

- A. Consideration and possible approval of Final Order and Finding of Facts upholding the Planning Commission approval of a Minor Change to a Conditional Use Permit to allow existing 3,000 sq. ft. building to be utilized as general County offices on a 0.54 acre parcel of land located at 517 Railroad St.; Assessors Map 41-13-5CC, Tax Lot 1800; zoned R-3 (Multiple Family Residential).** [pg. 43]

**VIII. Remarks from Mayor and Councilors**

- A. Mayor**
- B. Councilors**

**IX. 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
6	7	8	9	10	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
13	14	15	16	17	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
20	21	22	23	24	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
27	28	29	30		
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	9:00am Traffic Safety Meeting -- Lauri		

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

11/16/2006 9:10 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 CC-Brookings Rural Fire District-Michael Zoretich 412-1456 6:30pm CC - Red Cross 7:00pm CC - Planning TENT	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	7:00pm CC - Planning TENT	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  
 BC = Bud Cross  
 SP = Stout Park

11/16/2006 9:10 AM

City of Brookings  
898 Elk Drive  
Brookings, OR 97415



## COUNCIL AGENDA REPORT

To: Mayor and City Council

From: Dianne L. Snow

Date: Nov. 15, 2006

Re: Appeal of Planning Commission decision on CUP-1-04/ MC-1-06, Applicant Curry County.

---

**Subject:** The above referenced application requested approval of a minor change to a conditional use permit to allow an existing building to be utilized as general County offices. This building is located at 517 Railroad St., the southwest corner of Railroad and Oxford Streets; identified as Tax lot 1800; Map 41-13-05CC. The subject property is zoned Multi-family Residential (R-3).

**Background /Discussion:** The Planning Commission, after conducting a hearing on Oct. 3<sup>rd</sup> and continued to Oct 17, 2006 on this matter, approved the request. The subject property fronts on Railroad St. which is a paved two lane road surface with no other improvements in this area. Chapter 17.80.040 (C), City of Brookings Land Development Code (LDC) (**Attachment A**), requires proposed development to improve street frontage to City standards including curb, gutter, sidewalk, plus 12 feet of pavement beyond the centerline or match existing pavement, or sign a deferred improvement agreement (DIA) for future street improvements. Condition of Approval #4 of the Final Order for CUP-1-04/ MC-1-06 required the Applicant to sign and record a DIA for street improvements including curb, gutter, sidewalk, match existing pavement, and any underground storm drainage that may be required. Public Works has determined the appropriate improvements would be including curb, gutter, sidewalk, pavement to the centerline, and any underground storm drainage that may be required. The Applicant has appealed to the Council requesting the language in Condition #4 be altered.

The Applicant has provided additional findings found in **Attachment B** of this packet. I will briefly outline the stated arguments and responses to them:

- **ARGUMENT** – The City does not have approved plans for street improvements on Railroad St.

**RESPONSE** – When property owners are required to improve streets to City standards, the property owner must hire an engineer to design the improvements which are then reviewed and approved by the City prior to construction. This requirement is found in Chapter 17.168.170 (**Attachment A**).

- ARGUMENT – Traffic on Railroad Street will not substantially increase due to the requested minor change.

RESPONSE – Increase in traffic is not considered in Chapter 17.80.040(C) when improvements to streets are required.

- ARGUMENT – Requiring DIA's is in conflict with policy as stated in the City of Brookings Comprehensive Plan, Goal 11: "To plan and develop a timely, orderly and efficient arrangement of public facilities and services to provide a framework for urban and rural development."

RESPONSE – DIA's DO implement this policy. They allow the City to obtain numerous property owners as partners in a future comprehensive improvement project.

- ARGUMENT – Requiring a DIA without specific cost limitations and construction plan details is contrary to provision of the Oregon State Constitution.

RESPONSE – The City Attorney does not agree with this interpretation of the Constitution, but in an effort to accommodate the County's concerns Staff crafted specific draft alternative language to be used in the DIA to accommodate the County's concern. That language left no doubt about what the costs, time frame, or construction details would be. Following is the proposed language:

**"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 St. frontage on 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."**

- ARGUMENT – The City should accept the County's suggested version of Condition #4 as follows:

**"The applicant shall sign and record a Deferred Improvement Agreement for future improvements along the Railroad St. frontage. Improvements shall be limited to curb, gutter and sidewalk, plus pavement to match existing pavement with the gutter. All improvements are to be completed within one year of the execution date of the Deferred Improvement. Improvements shall be limited to a cost not to exceed \$5,000."**

RESPONSE – The City’s requirement for street improvements includes paving the road surface to the centerline and includes any underground storm drainage that may be needed. Public Works indicates when curb, gutter and sidewalk are installed and patched onto an existing, substandard road, the improvements quickly deteriorate resulting in problems to the road that didn’t exist previously. In addition, the City Engineer estimates the improvements would substantially exceed \$5,000.

CONCLUSION – The County began construction on this project without contacting the City. The Building Official had to issue a “stop work” order. If the County had spoken to the City prior to embarking on this project they would have learned about the need for a Conditional Use Permit and a building permit. With that information they would have learned of the costs and requirements, such as a DIA, and could have planned for the actual expenses involved in this project.

The City appreciates the services provided by the County to the citizenry and wants to cooperate in any way we can to facilitate this project, but the City can not support releasing a government entity from a requirement that we hold the private sector to.

The City’s original Condition #4 required only the signing of a DIA with no requirement to submit street improvement plans or any state the time in which improvements would need to be completed. This would allow postponing improvements until such time as the City is prepared to do a comprehensive project on Railroad St. This option is still available to the County.

Attached you will find:

- Attachment A – Sections from the Land Development Code previously referenced
- Attachment B – Additional findings supplied by the Applicant to support the appeal
- Planning Commission Staff Report for CUP-1-04/ MC-1-06
- Planning Commission Final Order/ Conditions of Approval for CUP-1-06/MC-1-06

Recommendation: Deny the appeal and uphold the Ordinance requirement to improve the subject property’s Railroad St. frontage to City standards or sign a Deferred Improvement Agreement for future street improvements. The City Council has no authority to waive this requirement as it is a clear and direct application of a Municipal Code provision. The Council still has the option of approving the specific alternative language as proposed by City Staff, as noted above.

Financial Impact(s): None.

City Manager Review and Approval for placement on Council Agenda:

  
Dale Shaddox, City Manager



**17.80.040 Improvement standards.**

The site plan committee in its review of projects subject to the provisions of this chapter shall apply the following standards and requirements in addition to those found in the applicable zoning district, and listed in Chapter 17.172 BMC. Developments and activities that are exempt from these requirements are listed in BMC 17.04.070.

A. For multiple-family residential development an area equal to at least 15 percent of the site area, inclusive of required setback yards, shall be devoted to usable open space recreation areas. This area must be cleared of brush or obstructions and not used for temporary or regular parking of vehicles.

B. An accessway to a commercial or industrial off-street parking area shall be improved from the public roadway to the parking area to a minimum width of 20 feet for two-way traffic. If the accessway is a one-way in or one-way out, it shall be a minimum width of 10 feet and have appropriate signage.

C. Proposed development in any zone, except the public open space zone, subject to the provisions of this chapter, which fronts upon an unimproved street shall either be required to improve same to city standards by the installation of curb, gutter, pavement and sidewalk on the side abutting the said development, plus 12 feet of pavement beyond the centerline or match existing pavement, whichever the city deems appropriate. The owner may request a deferred improvement agreement for future street improvements which shall run with the land. The city council, with recommendations from the site plan committee, will determine the extent of needed off-site improvements in regard to the nature of off-site improvements in the public open space zone on a case-by-case basis.

D. Provide for the improvement of an existing dedicated alleyway which is intended to be used for egress and ingress, or backup space of off-street parking for the development.

E. Make provision for screening the visibility of roof-, wall- or ground-mounted mechanical equipment and devices, in addition to propane tanks in commercial and industrial zones. [Ord. 06-O-446.VV; Ord. 93-O-446.P § 4; Ord. 89-O-446 § 1.]

**17.168.170 Improvement plans.**

A. The developer shall cause plans, on mylar, and specifications for all public improvements to be prepared by an engineer registered in the state of Oregon in accordance with the design and improvement standards and specifications of this code, which plans and specifications shall be submitted to and approved in writing by the city engineer prior to commencement of improvement work and prior to issuance of a development permit. All improvement work shall be inspected and approved by the city engineer as to conformance with city requirements and standards. Improvement drawings shall include, but not be limited to typical cross-sections and proposed finish grades of all streets, together with a profile showing the relation between finished grade and existing ground elevations, and the lengths, sizes, grades, and type of all pipes, culverts and other structures.

B. As-Built Drawings. Before the city will accept an improvement project that shall become a city maintained improvement and/or facility, the developer's engineer shall provide the city with a mylar drawing showing the as-built improvements along with two copies of said as-built drawings.

C. The developer shall pay a security deposit of \$300.00 to the city to cover cost of the city engineer's review of the improvement plans and specifications, and any unused portion of the deposit will be refunded to the developer. If the review costs exceed the \$300.00 deposit, the developer will be responsible for the full payment to the city. [Ord. 89-O-446 § 1. Formerly 16.05.170.]



# CURRY COUNTY DEPARTMENT OF PUBLIC SERVICES

PLANNING DIVISION

94235 MOORE STREET

PO BOX 746

GOLD BEACH, OREGON 97444

David J. Pratt  
Director

Phone (541) 247-3304  
FAX (541) 247-4579

October 31, 2006

Mayor and Members of the City Council  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Re: Conditional Use Permit File No. CUP-1-04/MC-1-06: South Curry County Offices located 517 Railroad Street, Brookings, OR

Dear Madam Mayor and Members of the Brookings City Council:

On behalf of Curry County, I am submitting this written request appealing the decision of the Planning Commission to the City Council on Conditional Use Permit File No. CUP-1-04/MC-1-06, specifically Condition No. 4, for South Curry County Offices located at 517 Railroad Street. This appeal is being submitted under the provisions of Brookings Development Code Section 156.

The appeal of the Planning Commission's decision of October 17, 2006, is based on the following facts:

1. The building, consisting of approximately of approximately 3,000 feet of gross floor area, is the former site of a mortuary known as Litty Funeral Directors. The building and storage structure existed when the County acquired the property. In January 2004, the County received approval to use the subject property as a sheriff's substation, and equipment storage, meeting, and staging area for the search and rescue team serving the South County area.
2. The conditions of approval, with the exception of Conditions No. 4 of CUP-1-04/MC-1-06, are designed to mitigate adverse conditions on the surrounding neighborhood. Condition No. 4 addresses a long term need for the improvement of Railroad Street that goes beyond the surrounding neighborhood. There are no definite timelines or construction plans (pavement, curbs, gutters, sidewalks, curbs, storm drainage, etc.) for the reconstruction of Railroad Street. Furthermore, there are no "as built" plans to determine whether or not improvements, other than a sidewalk, curb and gutter along Railroad Street, are needed or how much the improvements to Railroad Street will cost.



3. As pointed out the city staff report of September 25, 2006, to the Planning Commission, the "...proposed general offices should have less of an impact than previous mortuary use." The report further states that there "...have been no complaints from the neighborhood regarding the current use." The County is not expanding the foot print of any of the existing buildings nor is it intensifying the use on the subject property. It is simply a remodel of an existing structure to accommodate three offices for use by staff from the County Juvenile Department to provide necessary services in the Brookings-Harbor and South County area as well as to provide an area for occasional County staff and community meetings. Traffic impact to the neighborhood and the existing street network will not change from the uses that have been historically located on the subject property.
4. Under Brookings Development Code (BDC) Section 1.040, the purpose of the code, in part, is to promote the health, safety and welfare of the citizens and visitors of Brookings in accordance with and in the implementation of the *Comprehensive Plan of the City of Brookings*. Goal 11 (Public Facilities and Services) of the *Comprehensive Plan* reads as follows:

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to provide a framework for urban and rural development."

It appears that the requirement for a deferral improvement agreement for complete street improvement is not consistent with BDC Section 1.040 and *Comprehensive Plan* Goal 11. Construction plans; construction deadlines, and cost estimates for improvements to the entire Railroad Street have not yet been developed. There is no assurances that the current street standards would apply when and if the City improves the Railroad Street. Therefore, the deferral agreement; unless there are specific construction plans and a definite construction timelines and costs, will not provide "...a timely, orderly and efficient arrangement..." of a public facility for urban development.

5. Requiring the County to enter into a deferral improvement agreement with the City without specific costs limitation and construction plan details is contrary to the provisions of the Oregon State Constitution. The Constitution of Oregon prohibits counties from entering into debts or liabilities in excess of \$5,000. Article XI, Section 10, states:

"No county shall create any debt or liabilities which shall singly or in the aggregate, with previous debts or liabilities, exceed the sum of \$5,000; provided, however, counties may incur bonded indebtedness in excess of such \$5,000 limitation to carry out purposes authorized by statute, such bonded indebtedness not to exceed limits fixed by statute."

6. As an alternative to the full street improvement agreement, the City should consider a deferral agreement limiting the improvements along the Railroad Street frontage to the construction of a sidewalk, curb, and gutter to match the existing pavement with a cost not to exceed \$5,000.

## Conclusion

The County is remodeling the South County Offices, the former Litty Building, to accommodate three offices for use by staff from the County Juvenile Department. The services that are to be provided are necessary in the Brookings-Harbor and South County area. The large room in the main building will also provide an area for occasional County staff and community meetings. Traffic impact to the neighborhood and the existing street network will not change from the uses that have been historically located at this site.

Without a definitive time line and cost for the improvements of Railroad Street to allow the County to budget the necessary improvements or the assurance that the improvements will not be substandard when the remaining portion of Railroad Street is improved, the County can not enter into a deferred improvement agreement with the City for half for full street improvements. Such an agreements would be inconsistent with the Constitution of Oregon, the *Comprehensive Plan of the City of Brookings*, and the Brookings Development Code.

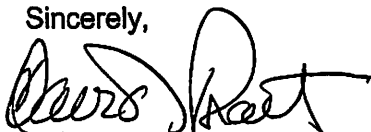
As an alternative, the City Council could consider amending Condition No. 4 to read as follows with the suggested text to be deleted in ~~strikeout~~ and added text in **bold**:

"The applicant shall sign and record a Deferred Improvement Agreement for future ~~street~~ improvements along the Railroad St. frontage. Improvements shall ~~include~~ **be limited to curb, gutter and sidewalk, plus pavement to match existing pavement with the gutter.** **All improvement are to be completed within one year of the execution date of the Deferred Improvement Agreement.** Improvements shall **be limited to a cost not to exceed \$5,000** ~~also include any underground storm drainage, if required.~~ "

With the suggested changes, Condition No. 4 would be consistent with the Constitution of Oregon, the *Comprehensive Plan for the City of Brookings*, and the Brookings Development Code.

If you have any questions or would like additional information, please feel free to contact me.

Sincerely,



David J. Pratt, AICP

- Attachment:s    1.    Brookings Land Use Permit Application dated October 31, 2006  
                          2    Brookings Planning Commission's Decision on CUP-1-04/MC-1-06

cc: Board of Commissioners  
      Jerry Herbage, County Counsel  
      Dale Shaddox, City Manager  
      Dianne Snow, Planning Director

**CITY OF BROOKINGS PLANNING COMMISSION**  
**STAFF AGENDA REPORT**

SUBJECT: Conditional Use Permit  
FILE NO: CUP-1-04 /MC-1-06  
HEARING DATE: October 3, 2006

REPORT DATE: September 25, 2006  
ITEM NO: 8.1

---

**GENERAL INFORMATION**

APPLICANT: Curry County

REPRESENTATIVE: David Pratt, Curry County Planning Director

REQUEST: Request approval of a minor change to a conditional use permit to allow the existing building to be utilized as general County offices

TOTAL LAND AREA: .54 acre (23,522± sq. ft.)

LOCATION: 517 Railroad St., southwest corner of Railroad St. and Oxford St..

ASSESSOR'S MAP NUMBER: 41-13-05CC; Tax lot 1800.

**ZONING / COMPREHENSIVE PLAN INFORMATION**

EXISTING: Multiple-Family Residential (R-3) District.

PROPOSED: Same.

SURROUNDING: South, east, and west areas are zoned R-3. General Commercial (C-3) on the north.

COMP. PLAN: Residential.

**LAND USE INFORMATION**

EXISTING: Search and Rescue storage building and a vacant building, formerly the Curry County Sheriff substation.

PROPOSED: General Curry County Offices.

SURROUNDING: The subject property is surrounded by residentially zoned and developed parcels on the south, east, and west. Commercial uses exist to the north.

PUBLIC NOTICE: Mailed to all property owners within 250 feet of subject property and published in local newspaper.

APPLICABLE CRITERIA: Land Development Code – Ordinance No. 89-0-446

**Section 28.040(O) R-3 Zone – Professional business and service offices**

Section 140.050 – Conditional Use Permit - Action by the Planning Commission

**Section 116.110 – Minor Change**

**Note: Bolded Sections are included in staff report as Attachment A. Section 140.050 criteria can be found on page 2 & 3 of the staff report.**

## **BACKGROUND INFORMATION**

The subject property is a .54 acre (23,522± sq. ft.) lot located in the southwest corner of Railroad St. and Oxford St. The lot is rectangular shaped with 126.34 of frontage on Railroad St. and 224.56 feet of frontage on Oxford St. Topographically the subject property is generally flat.

The subject property is zoned Multiply Family Residential (R-3). The Sheriff's Substation and Search and Rescue storage received approval in 2004 with CUP-1-04 (**Attachment B**). The property contains a 3,000 sq. ft. building. This building was previously used for a mortuary. More recently a portion, approximately 800 sq. ft., was used for the satellite station for the Curry County Sheriff's Office. This structure will house the proposed Curry County general offices. The existing pole barn will continue to be utilized by Curry County Search & Rescue for the storage of associated equipment, meetings at which training may be conducted, and as a place of assembly when the organization is called to duty.

## **PROPOSED MINOR CHANGE**

The applicant is requesting a minor change to a conditional use permit to authorize the use of the building for general office purposes. There would be no expansion of the structure.

## **ANALYSIS**

In order to grant any conditional use, the Planning Commission must find that the application meets the requirements of the following criteria:

### **City of Brookings – Land Development Code**

#### **Section 140.050 – Conditional Use Permits – Action by the Planning Commission**

1. The proposal is in compliance with the Comprehensive Plan.
2. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this code.
3. The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use.

4. The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the commission shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and bulk of buildings, walls and fences, landscaping, screening, exterior lighting and signing.
5. In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complimentary to the surrounding area.

Since the first criterion from Section 140.050 includes the requirements of all of the others it will be discussed last.

#### Criterion 2, Adequate Size and Shape.

The general offices would occupy the existing 3,000 sq. ft. building with no expansion proposed. Parking requirements for office space is 1 space per 400 sq. ft. of floor area plus 1 space per 2 employees. Monday through Thursday, 8:30 AM to 5 PM, the building will be used as general office space with three employees. Daytime use will require 10 spaces. The plot plan shows a total of 18 parking spaces.

Monday through Thursday, after 6 PM, the building may be used by the general public, supervised by a County employee, to accommodate meetings. The parking requirement for general assembly is one space per 75 sq. ft. of area. An open area of approximately 1,200 sq. ft. will be used, requiring 16 parking spaces.

Search and Rescue will use their building on the occasional evening or week-end. CUP-1-04 required 10 parking spaces for this use. Due to the varied operational times of these uses, 18 parking spaces will be sufficient.

#### Criterion 3, Relation of Streets.

The subject property fronts on both Railroad St. and Oxford St. with access from both. Railroad St. is a paved travel way within a right-of-way that is 75 feet wide with no other public improvements in the area of the subject property. There are two access points, one on each side of the front building, from Railroad St. The City will support the requirement as stated in condition of approval CUP-1-04, # 4, to record a Deferred Improvement Agreement (DIA) for street improvements on Railroad St.

Oxford is a paved travel way within a 50 foot right-of-way with curb, gutter and sidewalk along both sides. A third driveway provides access to the pole barn being utilized by Search & Rescue and to the area between the buildings, enters from Oxford St.

The applicant's plot plan indicates one-way access entering the property off Railroad St. and exiting onto Oxford Street.

#### Criterion 4, Neighborhood Impact.

The proposed general offices should have less of an impact than the previous mortuary use. There have been no complaints from the neighborhood regarding the current use. Original conditions of approval for CUP-1-04

required fencing or landscaping where parking lot borders a residential use. There is no fence or landscaping on the west property line. This will be a condition of approval.

Criterion 5, Historic, Scenic or Cultural Attributes.

There are no historic, scenic or cultural attributes on or within the general vicinity of the subject site.

Criterion 1, Compliance with Comprehensive Plan.

General offices are allowed as a conditional use in the R-3 zone provided it meets the criteria. The proposed use meets all of the criteria addressed above and is consistent with the goals and policies of the Comprehensive Plan.

## FINDINGS AND CONCLUSIONS

1. Criterion 2, Adequate Size and Shape. The applicant is requesting a minor change to a conditional use to change the use of an existing structure from a specific approval for a Sheriff's Substation to general office use. The general office use (3,000 sq. ft. and three employees) requires 10 parking spaces. Evening meetings with the general public (one space per 75 sq. ft. in 1,200 sq. ft. meeting area) requires 16 spaces. Occasional Search and Rescue use in the evening or on week-ends, requires 10 parking spaces as stated in CUP-1-04. Due to the varied operational times of these uses, 18 parking spaces is sufficient and meet the requirement.

The applicant states the parking area is approximately 9,000 sq. ft. in size with approximately 630 sq. ft. of landscaping presently. The ordinance requires 7%, or 810 sq. ft., of landscaping. The applicant indicates there is area available for the additional needed landscaping. This will be a condition of approval. Criterion 2 is met.

2. Criterion 3, Relation of Streets. The traffic circulation plan shown in **Exhibit 2** would utilize a one-way entrance and exit plan. Vehicles would enter the property from Railroad St. near the northern property line and exit onto Oxford St. near the eastern property line. Oxford Street is improved with paved road, curb, gutter and sidewalks. The applicant will be required to sign and record a Deferred Improvement Agreement (DIA) for street improvements on Railroad Street. Criterion 3 is met.
3. Criterion 4, Neighborhood Impact. Conditions of approval from CUP-1-04 required the parking area adjoining or opposite any residential use be fenced or landscaped to a height sufficient to prevent vehicle headlights from shining onto adjoining property and all outdoor lighting be directed and/or shielded so as to prevent light from falling directly on adjoining properties. This will be a condition of approve for this application as well. Criterion 4 is met.
4. Criterion 5, Historic, Scenic or Cultural Attributes. There are no historic, scenic or cultural attributes on the subject property or the surrounding area. Criterion 5 is met.
5. Criterion 1, Compliance with Comprehensive Plan. General offices are allowed as a conditional use permit in the R-3 zone. The proposal meets the requirements of the criteria addressed above, and therefore is in keeping with the Comprehensive Plan. Criterion 1 is met.

The applicant's findings are included as **Attachment C**.

## **CONDITIONS OF APPROVAL**

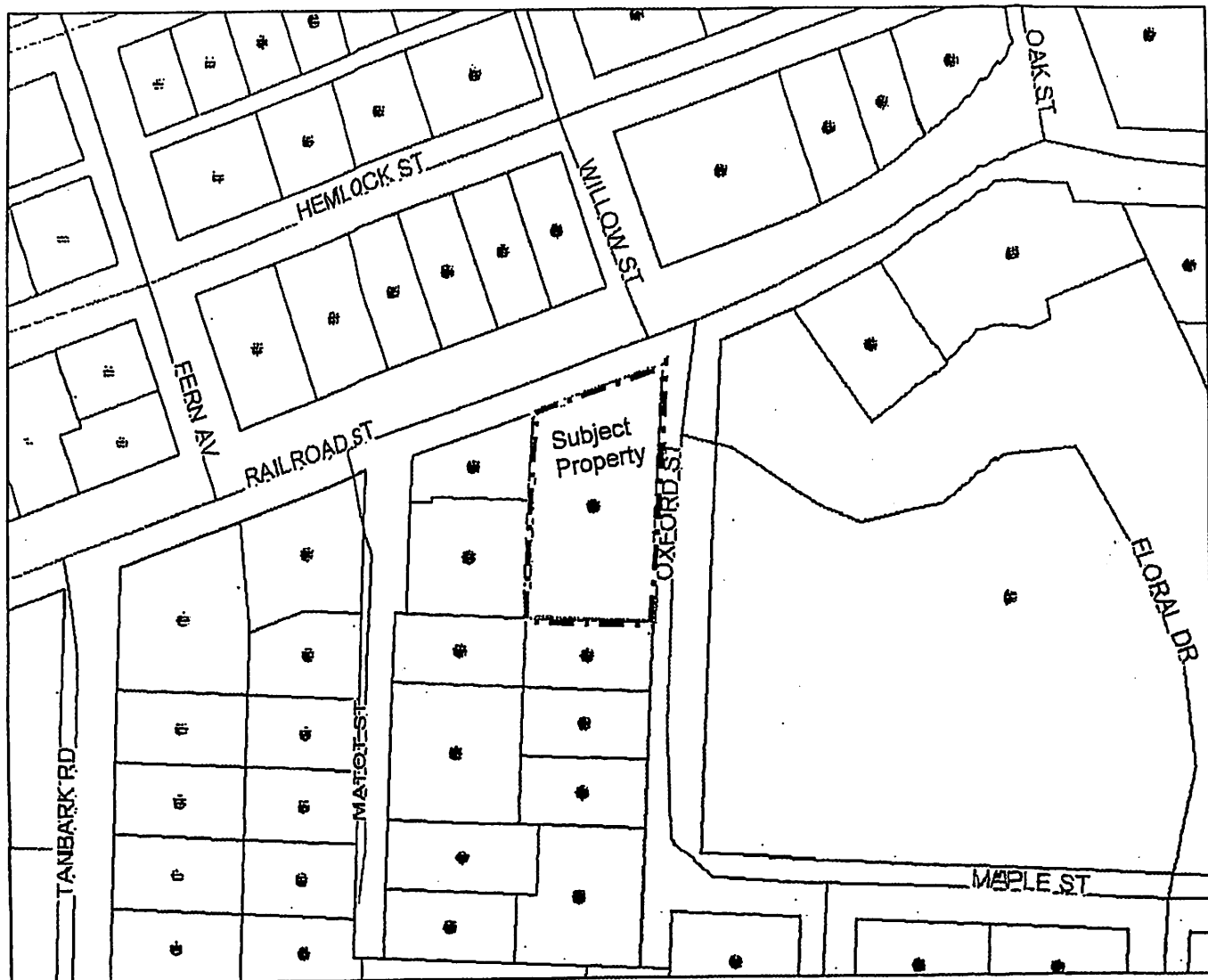
The conditions of approval are attached to and hereby made a part of this report.

## **RECOMMENDATION**

Staff recommends approval of Case File No.CUP-1-04/ MC-1, based on the findings and conclusions stated in the staff report and subject to the conditions of approval listed above.

Staff has prepared a Final ORDER to be considered at this meeting.





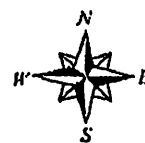
Applicant: David Pratt, Curry County Planning Director

Assessor's No: 41-13-05CC Tax Lot 1800

Size: 0.54 acre

Location: 517 Railroad

Zone: R-3 (Multi-family Residential)





Section 28  
MULTIPLE FAMILY RESIDENTIAL (R-3) DISTRICT

28.040 Conditional uses. The following conditional uses may be permitted subject to a conditional use permit:

O. Professional business and service offices.

**Section 116**  
**PLANNED UNIT DEVELOPMENT APPROVAL**

**116.110 Minor Change.** The applicant may apply to the Planning Commission for a minor change to the site plan and/or conditions of approval of an approved planned unit development. The Planning Commission will hold a public hearing to consider the nature of the requested change, impacts the change may have on surrounding properties and/or on the remaining portion of the project and the impact on the city's services and facilities. The Commission may approve or deny the minor change. If the change is approved it may be incorporated into the project. If it is denied the project remains as originally approved and the change cannot be incorporated. Applications for a minor change must be submitted with the following:

- A. A filing fee in an amount established by general resolution of the City Council. No part of the fee is refundable.
- B. A site plan or revised subdivision map showing the proposed changes and how they compare to the originally approved project. If the change does not include the physical site plan of the project, a text explaining the desired change must be submitted.
- C. A statement explaining how the proposed change relates to the approved project and any impacts it may have on the project and/or adjoining property holders and city services and facilities.

[Section 116.110 as added by Ordinance No. 92-O-446.J, effective April 7, 1992]

BEFORE THE PLANNING COMMISSION  
CITY OF BROOKINGS, COUNTY OF CURRY  
STATE OF OREGON

In the matter of Planning Commission File No. CUP-1-04; a request for a conditional use permit to establish a sheriff's substation with storage for a search and rescue team; Curry County, applicant.	) Final ORDER ) and Findings of ) Fact ) )
--	--

**ORDER** approving an application for a Conditional Use Permit to establish a sheriff's substation and storage for a search and rescue team on a 0.54 acre parcel of land located at 517 Railroad St.; Assessor's Map 41-13-5CC, Tax Lot 1800; zoned R-3 (Multiple Family Residential).

**WHEREAS:**

1. The Planning Commission duly accepted the application filed in accordance with the Brookings Land Development Code pursuant to Section 140 Conditional Use Permits; and
2. Such application is required to show evidence that all of the following criteria has been met:
  - A. The proposal is in compliance with the Comprehensive Plan.
  - B. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this code.
  - C. The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use.
  - D. The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the commission shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and bulk of buildings, walls and fences, landscaping, screening, exterior lighting and signing.
  - E. In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complimentary to the surrounding area.
3. The Brookings Planning Commission duly set this matter upon the agenda of a public meeting and considered the above described application with the public hearing a matter of record of the Planning Commission meeting of January 6, 2004; and
4. At the public meeting on said conditional use permit application, evidence and testimony was presented by the applicant and recommendations were received from and presented by the Planning Director in the form of a Staff Agenda Report, dated December 16, 2003 and oral presentation of same; and

15-2

5. At the conclusion of the presentation of the applicant, Planning Director and the public, after consideration and discussion the Brookings Planning Commission, upon a motion duly seconded, approved the request for the subject conditional use permit and directed staff to prepare a Final ORDER with the findings set forth therein for the approval of said application.

**THEREFORE, LET IT BE HEREBY ORDERED** that the application of the conditional use permit on the subject parcel is approved. This approval is supported by the following findings and conclusions:

### CONCLUSIONS

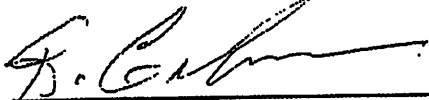
The applicant's findings satisfactorily address each of the criteria addressed above and provide sufficient evidence that the application has met these criteria.

### CONDITIONS OF APPROVAL

The conditions of approval are attached to this document and are made apart thereof.

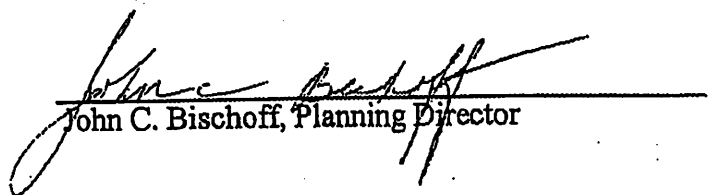
**LET IT FURTHER BE OF RECORD** that the Planning Commission approved the requested Conditional Use Permit.

Dated this 6<sup>th</sup> day of January 2004.



R. Gilmore, Chairperson

ATTEST:

  
John C. Bischoff, Planning Director

# CONDITIONS OF APPROVAL CONDITIONAL USE PERMIT

CUP-1-04

January 6, 2004

## General Conditions

1. Approval of this conditional use permit will expire one year from approval, unless the project comes under substantial construction and continues under construction. The Planning Commission may extend the permit for an additional one-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 140.110, Violation of Conditions, of the Land Development Code. The loss of your permit will result in the closure of your business.
3. This permit allows the property to be used as a sheriff's substation, and equipment storage, meeting and staging area for the search and rescue team including the outdoor storage of an equipment trailer and fifth wheel command post. Substantial changes to the approved use will require re-approval by the Planning Commission.
4. Due to the amount of parking available on the site, the applicant shall either park the equipment trailer and fifth wheel trailer on the south side of the pole building with at least three feet of clearance from the property line or require the search and rescue team to hold there monthly meetings and training in another location.

## Street Conditions

5. The applicant shall sign and record a Deferred Improvement Agreement for future street improvements along the Railroad St. frontage. Improvement shall include curb, gutter and sidewalk, plus pavement to match existing pavement. Improvement shall also include any underground storm drainage, if required.

## Storm Drainage Conditions

6. All storm drainage including roof drains from the subject property shall be collected and conveyed from the site in a manner that protects all down stream property.

## Parking and Landscaping Conditions

7. The applicant shall provide 16, on-site, marked parking spaces that comply with the provisions of Section 92, Off-Street Parking and Loading Regulations, of the Land Development Code.

All parking areas, driveways and outdoor vehicle storage areas shall be paved with asphaltic concrete or Portland cement.



8. An area equal to a total of 7% of the parking area shall be landscaped.
9. Landscaped areas shall be maintained in a healthy and clean manner. The use of conifers and other drought resistant trees is encouraged and all landscaping shall be irrigated until such time as they are well established.
10. Prior to the issuance of an occupancy permit, all landscaping shall be installed in substantial conformance with the approved parking plan.
11. The parking area adjoining or opposite any residential use shall be fenced or landscape to a height sufficient to prevent vehicle headlights from shining onto adjoining property. If landscaped, the planting shall be to the extent that it will provide immediate shielding of headlights.
12. All outdoor lighting shall be directed and/or shielded so as to prevent light from falling directly on adjoining properties.
13. A trash bin shall be located on the site in a location accessible to the collection truck and enclosed by a 6 foot high sight obscuring fence.

## REQUEST FOR A MINOR CHANGE TO CUP 1-04

CUP 1-04 was originally approved as a conditional use permit authorization to utilize a former funeral parlor located at 517 Railroad Avenue as a sheriff's substation, equipment storage, and meeting and staging area for search and rescue (SAR.) The sheriff's office no longer utilizes the Railroad Avenue facility and they have relocated to a facility in Harbor. However, the Railroad Avenue facility is still needed to provide County services to the Brookings-Harbor area. A minor change in the original approval is being requested to authorize the use of the building for general office purposes for up to six (6) employees. An ~~1100~~<sup>1800</sup> square foot room within the building will be used for meetings and conferences by staff.

The specific condition of approval to be altered is:

3. This permit allows the property to be used as a sheriff's substation, and equipment storage, meeting and staging area for the search and rescue team including the outside storage of an equipment trailer and fifth wheel command post. Substantial changes to the approved use will require re-approval by the Planning Commission.

~~Parking and Landscaping Condition No. 7 of the original approval required a minimum of sixteen (16) on-site, marked parking spaces. For the proposed minor change, pursuant to Section 92 of the Brookings LDC, general office uses require 1 space per 400 square feet of floor space plus 1 space per 2 employees. The existing building is approximately 3000 square feet, and will initially house three (3) offices for three (3) county employees with the potential for housing up to a total of six (6) employees. Parking requirements for size (3000 sq ft) and total employees (6) would be: 8 spaces for square footage and 3 spaces for employees for a total of eleven (11) spaces. The current sixteen (16) space requirement would be sufficient for the proposed minor change in use.~~

*SEE ADENDUM DATED  
SEPT. 22, 2006*

Section 116.110 Minor Change (C) states:

A statement explaining how the proposed change relates to the approved project and any impacts it may have on the project and/or adjoining property holders and city services and facilities.

The proposed minor change from Governmental structures 28.040 (F) (sheriff's office substation) to general office space (Section 28.040 (O)) is not expected to impact adjoining property holders and city services and facilities. The subject site was formerly a funeral parlor that became county owned property due to foreclosure. While not a highly intensive commercial use, funeral parlors are a more intensive use than general office. The utilization of the building for up to six (6) employees is not expected to be a more intense use than the originally approved sheriff's office substation and SAR staging. There is expected to be minimal traffic generation since the offices are not generally for public use. Traffic will be generated by the employees only and occasionally by county personnel and the general public attending a meeting on site.

C-2



## CURRY COUNTY DEPARTMENT OF PUBLIC SERVICES MEMORANDUM

David J. Pratt, AICP  
Director

Phone (541) 247-3304  
FAX (541) 247-4579

To: Diane Snow, Planning Director  
City of Brookings

From: David Pratt, Public Services/Planning Director

Date: September 22, 2006

Subject: Parking Requirements for City of Brookings Conditional Use Case No.  
CUP-1-04/MC-1-06 for the Litty Building located at 517 Railroad Avenue

The purpose of this memorandum is to address the parking requirements for the proposed South Curry County Offices located at 517 Railroad Avenue (the former Litty Building). The total gross floor area of the exiting building is approximately 3,000 square feet with approximately 9,000 of existing paved area for parking. As indicated on the attached site plan, eighteen (18) parking spaces are being proposed with a parking area on the west side of the shop for a Search and Rescue vehicle and trailer. The Search and Rescue vehicle will not be using any one of the proposed 18 parking spaces.

There are three separate and distinct uses of the subject property and buildings that are being proposed. The uses include: (1) General County offices; (2) Use of the Conference Room for small group public meetings (evenings after 6:00 pm) and (3) Search and Rescue (occasional evening or weekend meeting(s)). Each of the three separate uses will be conducted at different times and/or days of the week. Therefore, the City's parking requirements may be satisfied as follows under Land Development Code (LDC) of the City of Brookings, Sections 92.040 (Number of spaces required) and 92.050 (Joint use of facilities) as follows:

(1) **General County Offices**

**Hours of Operation:** Monday through Friday, 8:30 a.m. to 5:00 p.m. (daytime)

**Use:** The immediate use will be to provide offices for three employees (Juvenile Department), two employees will be permanently stationed in Brookings and one office will be used on occasion by the Director of the Juvenile Department. The Conference Room may be used during the day by County staff for meetings. The County offices will not be accessible to the general public.

C-3

**Parking Requirements:** Section 92.040 (D) (2) requires one (1) space per 400 square feet of floor area for office use and one (1) space per 2 employees. Parking would be based on the gross floor area of 3,000 square feet which is the size of main building.

**Number required:** 10 spaces

**Number provided:** 18 spaces

(2) **Small group public meetings**

**Hours of Operation:** Monday through Thursday after 6:00 p.m.

**Use:** There is an open area that could be used by the general public for meetings. All meetings would be under the supervised by County employee. The County offices will not be used by or accessible to the general public.

**Parking Requirements:** Section 92.040 (D)(1) requires one (1) space per 75 square feet for places of floor area for public assembly (i.e. Community Center) where no permanent seats are provided. The parking requirements should be based under the square footage (approximately 1,200 square feet) of the open area for meetings.

**Number required:** 16 spaces

**Number provided:** 18 spaces

(3) **Search and Rescue**

**Hours of Operation:** Occasional use with some evening and/or weekend meeting(s) during the month and as needed when emergencies arise.

**Use:** There are no specific parking requirements listed in Chapter 92 for Search and Rescue operation. Therefore, the provisions of Section 92.040 (H) apply. The conditional use permit (CUP-1-04) that was approved by the City of Brookings listed 10 parking spaces for Search and Rescue. The County concurs with the number of parking spaces that would be needed during for Search and Rescue.

**Parking Requirements:** N/A

**Number required:** 10 spaces

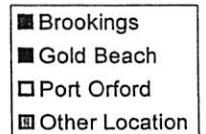
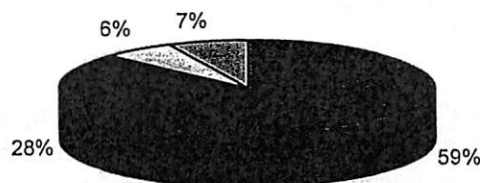
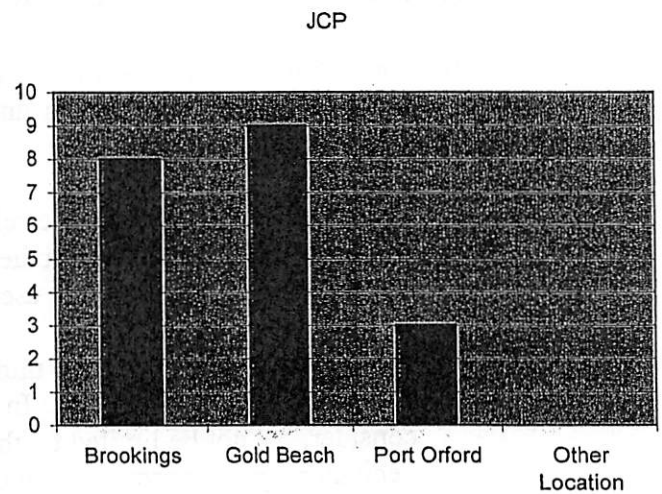
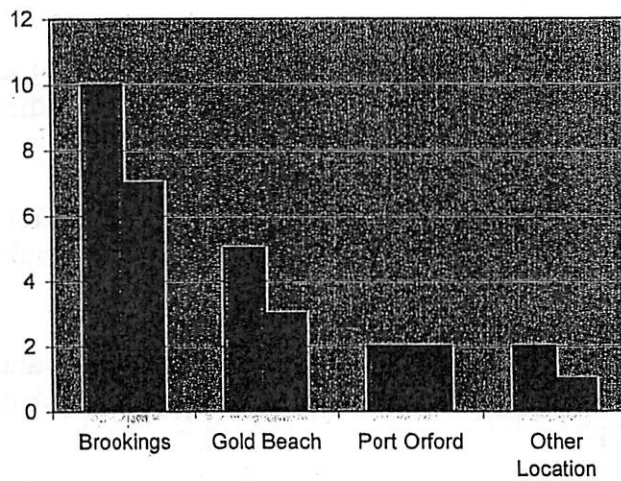
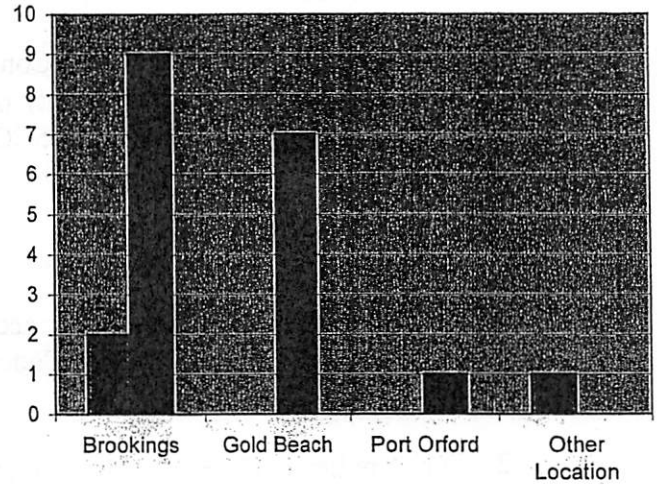
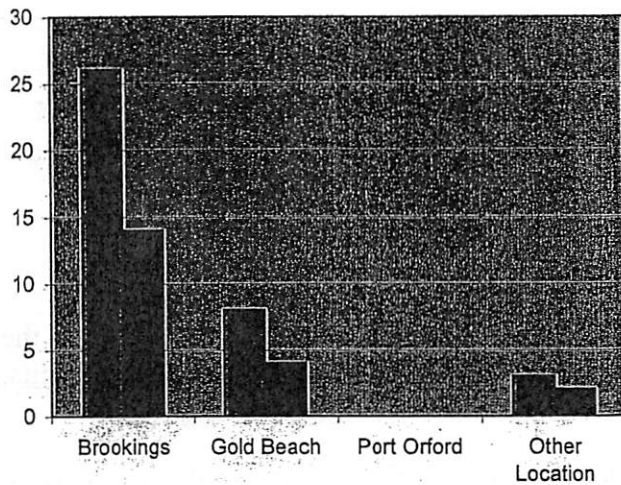
**Number provided:** 18 spaces

In conclusion, given the proposed uses and operational times of each of the uses, eighteen (18) parking spaces is sufficient and meets the requirements of Chapter 92 (Off-street Parking and Loading Regulations).

C-4

# Curry County Juvenile Department Demographic Supervision/Service Chart 10/17/06

	Brookings	Gold Beach	Port Orford	Other Location
Probation	26	8	0	3
OYA	14	4	0	2
Diversion	2	0	0	1
FAA	9	7	1	0
Drug & Alcohol	10	5	2	2
Community Service	7	3	2	1
JCP	8	9	3	0
Total (129)	76	36	8	9



BEFORE THE PLANNING COMMISSION  
CITY OF BROOKINGS, COUNTY OF CURRY  
STATE OF OREGON

In the matter of Planning Commission File No. CUP-1-04/MC-1-06; a request for a minor change to a conditional use permit to allow the existing building to be utilized as general County offices; Curry County, applicant.	) Final ORDER ) and Findings of ) Fact ) )
--	--

**ORDER** approving an application for a Conditional Use Permit to allow the existing 3,000 sq. ft. building to be utilized as general County offices on a 0.54 acre parcel of land located at 517 Railroad St.; Assessor's Map 41-13-5CC, Tax Lot 1800; zoned R-3 (Multiple Family Residential).

**WHEREAS:**

1. The Planning Commission duly accepted the application filed in accordance with the Brookings Land Development Code pursuant to Section 140 Conditional Use Permits; and
2. Such application is required to show evidence that all of the following criteria has been met:
  - A. The proposal is in compliance with the Comprehensive Plan.
  - B. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this code.
  - C. The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use.
  - D. The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the commission shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and bulk of buildings, walls and fences, landscaping, screening, exterior lighting and signing.
  - E. In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complimentary to the surrounding area.
3. The Brookings Planning Commission duly set this matter upon the agenda of a public meeting and considered the above described application with the public hearing a matter of record of the Planning Commission meeting of October 3, 2006 and continued to Oct. 17, 2006 ; and

4. At the public meeting on said conditional use permit application, evidence and testimony was presented by the applicant and recommendations were received from and presented by the Planning Director in the form of a Staff Agenda Report, dated September 25, 2006 and oral presentation of same; and
5. At the conclusion of the presentation of the applicant, Planning Director and the public, after consideration and discussion the Brookings Planning Commission, upon a motion duly seconded, approved the request for the subject conditional use permit and directed staff to prepare a Final ORDER with the findings set forth therein for the approval of said application.

**THEREFORE, LET IT BE HEREBY ORDERED** that the application of the conditional use permit on the subject parcel is approved. This approval is supported by the following findings and conclusions:

### **FINDINGS AND CONCLUSIONS**

1. Criterion 2, Adequate Size and Shape. The applicant is requesting a minor change to a conditional use to change the use of an existing structure from a specific approval for a Sheriff's Substation to general office use. The general office use (3,000 sq. ft. and three employees) requires 10 parking spaces. Evening meetings with the general public (one space per 75 sq. ft. in 1,200 sq. ft. meeting area) requires 16 spaces. Occasional Search and Rescue use in the evening or on week-ends, requires 10 parking spaces as stated in CUP-1-04. Due to the varied operational times of these uses, 18 parking spaces is sufficient and meet the requirement.

The applicant states the parking area is approximately 9,000 sq. ft. in size with approximately 630 sq. ft. of landscaping presently. The ordinance requires 7%, or 810 sq. ft., of landscaping. The applicant indicates there is area available for the additional needed landscaping. This will be a condition of approval. Criterion 2 is met.

2. Criterion 3, Relation of Streets. The traffic circulation plan shown in **Exhibit 2** would utilize a one-way entrance and exit plan. Vehicles would enter the property from Railroad St. near the northern property line and exit onto Oxford St. near the eastern property line. Oxford Street is improved with paved road, curb, gutter and sidewalks. The applicant will be required to sign and record a Deferred Improvement Agreement (DIA) for street improvements on Railroad Street. Criterion 3 is met.
3. Criterion 4, Neighborhood Impact. Conditions of approval from CUP-1-04 required the parking area adjoining or opposite any residential use be fenced or landscaped to a height sufficient to prevent vehicle headlights from shining onto adjoining property and all outdoor lighting be directed and/or shielded so as to prevent light from falling directly on adjoining properties. This will be a condition of approve for this application as well. Criterion 4 is met.
4. Criterion 5, Historic, Scenic or Cultural Attributes. There are no historic, scenic or cultural attributes on the subject property or the surrounding area. Criterion 5 is met.



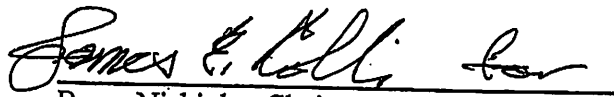
5. Criterion 1, Compliance with Comprehensive Plan. General offices are allowed as a conditional use permit in the R-3 zone. The proposal meets the requirements of the criteria addressed above, and therefore is in keeping with the Comprehensive Plan. Criterion 1 is met.

6.  
The applicant's findings are found in Attachment A.

#### CONDITIONS OF APPROVAL

The conditions of approval are attached to this document and are made apart thereof.  
**LET IT FURTHER BE OF RECORD** that the Planning Commission approved the requested Conditional Use Permit.

Dated this 17th day of October, 2006.

  
Bruce Nishioka, Chairperson

ATTEST:

  
Dianne L. Snow, Planning Director

CONDITIONS OF APPROVAL  
CONDITIONAL USE PERMIT

CUP-1-04/MC-1-06

October 3 & 17, 2006

General Conditions

1. Approval of this conditional use permit will expire one year from approval, unless the project comes under substantial construction and continues under construction. The Planning Commission may extend the permit for an additional one-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 140.110, Violation of Conditions, of the Land Development Code. The loss of your permit will result in the closure of your business.
3. This minor change to CUP-1-04 authorizes the 3,000 sq. ft. building on the subject property to be used for general County offices.

Street Conditions

4. The applicant shall sign and record a Deferred Improvement Agreement for future street improvements along the Railroad St. frontage. Improvements shall include curb, gutter and sidewalk, plus pavement to match existing pavement. Improvements shall also include any underground storm drainage, if required.

Storm Drainage Conditions

5. All storm drainage including roof drains from the subject property shall be collected and conveyed from the site in a manner that protects all downstream property.

Parking and Landscaping Conditions

6. The applicant shall provide a minimum of 16, on-site marked parking spaces that comply with the provisions of Section 92, Off-Street Parking and Loading Regulation, of the Land Development Code.

All parking areas, driveways and outdoor vehicle storage areas shall be paved with asphaltic concrete or Portland cement.

7. An area equal to a total of 7%, or 630 sq. ft., of the 9,000 sq. ft. of parking area shall be Maintained as landscaped area.

8. Landscaped areas shall be maintained in a healthy and clean manner. The use of conifers and other drought resistant trees is encouraged and all landscaping shall be irrigated until such time as they are well established.
9. Prior to the issuance of an occupancy permit, all landscaping shall be installed insubstantial conformance with the approved parking plan.
10. The parking area adjoining or opposite any residential use shall be fenced or landscaped to a height sufficient to prevent vehicle headlights from shining onto adjoining property. If landscaped, the planting shall be to the extent that it will provide immediate shielding of headlights.
11. All outdoor lighting shall be directed and/or shielded so as to prevent light from falling directly on adjoining properties.
12. A trash receptacle shall be located on the site in a location accessible to the collection truck and enclosed by a 6 foot high sight obscuring fence.
13. The two Search and Rescue vehicles parked/stored on the subject property must be at least three feet from the southern property line. This area must be paved or hard-graveled surfaced.

# **Minutes**

## **City of Brookings**

### **Common Council Meeting**

Brookings City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon 97415

**Monday, November 13, 7:00 p.m.**

#### **Call to Order**

Mayor Sherman called the meeting to order at 7:00 p.m. and newly elected Councilor, Ron Hedenskog, led the Pledge of Allegiance.

#### **Roll Call**

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

*Staff:* City Manager Dale Shaddox, Administrative Services Director Paul Hughes, Public Works Director John Cowan, Lt. John Bishop, Treatment Plant Chief Operator Joe Ingwerson, Accounts Receivable Clerk Vicki Bailey, Communications Officer Susan Frisch and Administrative Assistant Joyce Heffington

*Media:* Curry Coastal Pilot Reporter Tom Hubka

*Other:* Approximately 27 citizens

#### **Ceremonies**

Three Certificates of Appreciation for service to the City were presented by Mayor Sherman. Five year service awards were presented to Communications Officer, Susan Frisch, and Accounts Receivable Clerk, Vicki Bailey, and a fifteen year service award was presented to Treatment Plant Chief Operator, Joe Ingwerson.

Mayor Sherman presented to Administrative Services Director, Paul Hughes, who accepted on behalf of his department and the City, the Certificate of Achievement for Excellence in Financial Reporting, 2005, an award bestowed by the Government Finance Officers Association of the United States,

Helen May Riccio, Curry County Home Health & Hospice Care Coordinator, was on hand to accept Mayor Sherman's proclamation declaring November as Home Care & Hospice Month.

#### **Appointments**

**Councilor Mickelson moved, a second followed, and Council voted unanimously to appoint Councilor Anderson and Councilor Gordon to represent the City to the HSD Rate Review Committee.**

#### **Scheduled Public Appearance**

Jerry Marmon, Environmental Project Manager with the Oregon Department of Transportation (ODOT), presented a report on the Environmental Assessment for the Brookings Transportation Solution, which is now available to the public. Marmon advised that ODOT found no significant impact from Alternative 5 to the natural or built environment. The completion of this report allows the City to get on the list for funding of specific projects.

#### **Committee Reports**

Chamber President, Les Cohen, pointed out a write-up of Flora Pacific in Oregon Coast Magazine and announced that he has accepted an invitation to serve on the Board of the Southern Oregon Visitors Association (SOVA). Cohen also reported slight increases in visitor numbers and invited volunteers to help set-up the light displays for Natures Coastal Holiday. Cohen stated that the Chamber will be increasing its advertising budget for this event and that, with the collaborative

efforts of the Chamber, the Elks, Rotary and Lions Clubs, the plan is to have the lights up in two days.

### **Council Liaisons**

Mayor Sherman attended a Townhall meeting with the County at the local Library and a meeting with the County Commissioners.

Councilor Gordon attended two special Port meetings, two special Del Norte Airport Commission meetings, and a Drug Coalition summit.

Councilor Mickelson attended a Planning Commission meeting and an Urban Renewal Advisory Committee meeting.

Councilor Anderson attended a Watershed Council meeting and participated in the School Board's self-evaluation process.

Councilor Willms announced that the Health Fair is set for January 20<sup>th</sup>. Willms also attended a Parks and Recreation Commission meeting and several internal meetings.

### **Public Comments**

Cody Miller and Becky Miller, 97921 Payne Road, and Heather Weckler, 754 1<sup>st</sup> Street, addressed Council regarding issues related to the Skate Park. Included were requests that Council consider the possibility of "bikers" being allowed to use the Skate Park, the safety of using Internet accessible surveillance cameras to monitor activity at the site, and the fairness of the new ordinance being proposed to enforce Skate Park rules. Cody Miller also provided for the record a written Mission Statement.

Yvonne Maitland, 15676 Oceanview Drive, addressed Council regarding the public's right to know about a "Cease and Desist" order she states was issued by the Army Corp of Engineers to Freeman Rock. She announced that she would return at a later meeting to present the order in full.

### **Regular Agenda**

- 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.

**Councilor Anderson moved, a second followed, and the Council voted unanimously, with an advisory vote from Ex Officio Ashley Gemmell, to approve the agreement for design services for Water System Improvement Projects between HGE Inc., and the City, in the amount not to exceed \$143,500.**

- 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).

**Councilor Mickelson moved, a second followed, and the Council voted unanimously, with an advisory vote from Ex Officio Ashley Gemmell, to authorize the Mayor and City Manager to execute a loan agreement, not to exceed \$4,000,000, with the OECDD.**

- 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.

**Councilor Gordon moved, a second followed, and the Council voted unanimously, with an advisory vote from Ex Officio Ashley Gemmell, to authorize the Mayor and City Manager to execute loan agreements, not to exceed \$4,000,000, with DEQ for the purpose of funding the Class "A" Biosolids Project.**

### **Consent Calendar**

- Approval of Council Meeting Minutes for October 23, 2006.
- Acceptance of Planning Commission Meeting Minutes for September 26, October 3 and October 17, 2006.
- Approval of vouchers for October, 2006 in the amount of \$386,472.31.
- Approval of Liquor License Application for Go-Go's deli/sandwich shop located at 925 Chetco Avenue.
- Approval to schedule council meetings on November 29 and December 18<sup>th</sup> for the purpose of conducting public hearings.

**Councilor Willms moved, a second followed, and the Council voted unanimously, with an advisory vote from Ex Officio Ashley Gemmell, to accept the Consent Calendar as written.**

#### **Resolutions**

- 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.

**Councilor Gordon moved, a second followed, and the Council voted unanimously, with an advisory vote from Ex Officio Ashley Gemmell, to 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.**

#### **Remarks**

Mayor Sherman advised that she had sought from Council members comments regarding a possible resolution strengthening family and positive outcomes for children and teens. The consensus was that, although its something they support, there was no point in making a resolution without a way to enforce it.

Councilor Anderson remarked that he would like to see the City consider following the recommendation outlined in the Master Water Plan for going to a tiered water billing system.

Ex Officio Gemmell announced that donations of coats, sweaters and shoes were being accepted for the "Clothes Closet" at the high school administration office.

#### **Adjournment**

**Councilor Gordon moved, a second followed and Council voted unanimously by voice vote to adjourn at 8:21 p.m.**

Respectfully submitted:

ATTEST by City Recorder  
this \_\_\_\_ day of \_\_\_\_\_, 2006:

---

Pat Sherman  
Mayor

---

Paul Hughes  
Administrative Services Director/City Recorder

Ron Hedenskog  
618 Ransom Avenue  
Brookings, Or 97514  
541-469-4628

November 14, 2006

Bruce Nishioka  
Chair of Planning Commission  
City of Brookings  
898 Elk Drive  
Brookings, Or. 97415

Mr. Chair,

As you know, I have been elected to take City Council Position #4. I will assume office at the first scheduled Council meeting in January, 2007.

The purpose of this letter is to submit my resignation from the Brookings Planning Commission effective December 31, 2006.

This is a bitter / sweet situation for me. I have definitely enjoyed working with the Planning Commission. It has been an encouragement to me to see us work together while solving some very landmark planning issues over the past few years; but, at the same time, I look forward to working with the City Council. I hope to stay in close contact with the Planning Commission over the next few years.

Respectfully;

  
Ron Hedenskog

Cc Mayor Pat Sherman

RECEIVED

NOV 14 2006

Per 



BEFORE THE CITY COUNCIL  
CITY OF BROOKINGS, COUNTY OF CURRY  
STATE OF OREGON

In the matter of an appeal of the Planning Commission approval of File No. CUP-1-04; a request for a minor change to a conditional use permit to allow the existing building to be utilized as general County offices; Curry County, applicant, appealed by File No. APP-4-06, David Pratt, Appellant for Curry County.	) Final ORDER ) and Findings of ) Fact ) )
---	--

**ORDER** upholding the Planning Commission approval of a Minor Change to a Conditional Use Permit to allow the existing 3,000 sq. ft. building to be utilized as general County offices on a 0.54 acre parcel of land located at 517 Railroad St.; Assessor's Map 41-13-5CC, Tax Lot 1800; zoned R-3 (Multiple Family Residential).

**WHEREAS:**

1. The City Council duly accepted the appeal filed in accordance with the Brookings Land Development Code pursuant to Section 156, Appeal to the Council, which authorizes the Council to hear appeals and Sections 140, Conditional Use Permits; which authorizes the Planning Commission to approve, approve with conditions or deny a request for a Dwelling Group, based upon evidence that the proposal meets the following criteria:

Section 140, Conditional Use Permits –

- A. The proposal is in compliance with the Comprehensive Plan.
  - B. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this code.
  - C. The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use.
  - D. The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the commission shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and bulk of buildings, walls and fences, landscaping, screening, exterior lighting and signing.
  - E. In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complimentary to the surrounding area.
3. The Brookings City Council duly considered the above described appeal as a de novo hearing on its public hearing on November 29, 2006; and
  4. The appeal was presented by the Planning Director in the form of a written Staff Report, dated September 25, 2006 and subsequent memo to the Council dated November 15, 2006 and by oral presentation, and evidence and testimony by the appellant and the public at the public hearing; and

5. At the conclusion of the public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the City Council, upon a motion duly seconded, upheld the Planning Commission approval of the subject application and directed staff to prepare a Final ORDER and with Finding of Fact to that affect.

**THEREFORE, IT IS HEREBY ORDERED** that the application of the conditional use permit on the subject parcel is APPROVED. This approval is supported by the following findings and conclusions:

#### **FINDINGS AND CONCLUSIONS**

1. Criterion 2, Adequate Size and Shape. The applicant is requesting a minor change to a conditional use to change the use of an existing structure from a specific approval for a Sheriff's Substation to general office use. The general office use (3,000 sq ft. and three employees) requires 10 parking spaces. Evening meetings with the general public (one space per 75 sq. ft. in 1,200 sq. ft. meeting area) requires 16 spaces. Occasional Search and Rescue use in the evening or on week-ends, requires 10 parking spaces as stated in CUP-1-04. Due to the varied operational times of these uses, 18 parking spaces is sufficient and meet the requirement.

The applicant states the parking area is approximately 9,000 sq. ft. in size with approximately 630 sq. ft. of landscaping presently. The ordinance requires 7%, or 810 sq. ft., of landscaping. The applicant indicates there is area available for the additional needed landscaping. This will be a condition of approval. Criterion 2 is met.

2. Criterion 3, Relation of Streets. The traffic circulation plan shown in **Exhibit 2** would utilize a one-way entrance and exit plan. Vehicles would enter the property from Railroad St. near the northern property line and exit onto Oxford St. near the eastern property line. Oxford Street is improved with paved road, curb, gutter and sidewalks. The applicant will be required to sign and record a Deferred Improvement Agreement (DIA) for street improvements on Railroad Street. Criterion 3 is met.
3. Criterion 4, Neighborhood Impact. Conditions of approval from CUP-1-04 required the parking area adjoining or opposite any residential use be fenced or landscaped to a height sufficient to prevent vehicle headlights from shining onto adjoining property and all outdoor lighting be directed and/or shielded so as to prevent light from falling directly on adjoining properties. This will be a condition of approve for this application as well. Criterion 4 is met.
4. Criterion 5, Historic, Scenic or Cultural Attributes. There are no historic, scenic or cultural attributes on the subject property or the surrounding area. Criterion 5 is met.
5. Criterion 1, Compliance with Comprehensive Plan. General offices are allowed as a conditional use permit in the R-3 zone. The proposal meets the requirements of the criteria addressed above, and therefore is in keeping with the Comprehensive Plan. Criterion 1 is met.

The Applicant's findings are included as **Attachment A**.

**CONDITIONS OF APPROVAL**

The conditions of approval are attached to this document and are made apart thereof.

**LET IT FURTHER BE OF RECORD** that the City Council approved the requested Minor Change to the Conditional Use Permit.

Dated this **29th day of November, 2006.**

---

Pat Sherman, Mayor

ATTEST:

---

Dianne L. Snow, Planning Director

CONDITIONS OF APPROVAL  
CONDITIONAL USE PERMIT

CUP-1-04/MC-1-06

October 3 & 17, 2006

As amended by the City Council on Nov. 29, 2006

General Conditions

1. Approval of this conditional use permit will expire one year from approval, unless the project comes under substantial construction and continues under construction. The Planning Commission may extend the permit for an additional one-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 140.110, Violation of Conditions, of the Land Development Code. The loss of your permit will result in the closure of your business.
3. This minor change to CUP-1-04 authorizes the 3,000 sq. ft. building on the subject property to be used for general County offices.

Street Conditions

4. The applicant shall sign and record a Deferred Improvement Agreement for future street improvements along the Railroad St. frontage. Improvements shall include curb, gutter and sidewalk, plus pavement to the centerline. Improvements shall also include any underground storm drainage, if required.

Storm Drainage Conditions

5. All storm drainage including roof drains from the subject property shall be collected and conveyed from the site in a manner that protects all downstream property.

Parking and Landscaping Conditions

6. The applicant shall provide a minimum of 16, on-site marked parking spaces that comply with the provisions of Section 92, Off-Street Parking and Loading Regulation, of the Land Development Code.

All parking areas, driveways and outdoor vehicle storage areas shall be paved with asphaltic concrete or Portland cement.

7. An area equal to a total of 7%, or 630 sq. ft., of the 9,000 sq ft. of parking area shall be Maintained as landscaped area.
8. Landscaped areas shall be maintained in a healthy and clean manner. The use of conifers and other drought resistant trees is encouraged and all landscaping shall be irrigated until such time as they are well established.
9. Prior to the issuance of an occupancy permit, all landscaping shall be installed insubstantial conformance with the approved parking plan.
10. The parking area adjoining or opposite any residential use shall be fenced or landscaped to a height sufficient to prevent vehicle headlights from shining onto adjoining property. If landscaped, the planting shall be to the extent that it will provide immediate shielding of headlights.
11. All outdoor lighting shall be directed and/or shielded so as to prevent light from falling directly on adjoining properties.
12. A trash receptacle shall be located on the site in a location accessible to the collection truck and enclosed by a 6 foot high sight obscuring fence.
13. The two Search and Rescue vehicles parked/stored on the subject property must be at least three feet from the southern property line. His area must be paved or hard-graveled surfaced.

# MISSION STATEMENT

We, the Brookings bikers feel like we are being mistreated and disowned by our own city because we are left with no place left to ride our bicycles. We mean know harm to anybody or anything.

The most common misconception is that BMX bikes physically damage the skatepark structures. Bikes ride on rubber tires, unlike skateboards and rollerblades, which use urethane wheels. Occasionally a rider, just like a skateboarder or rollerblader, will perform a stall or grind. Bikers grind on metal pegs; skateboarders grind on metal trucks. If the skatepark is properly designed, it will be able to withstand any kind of grind. Skateparks in England—Romford and South Sea, for instance—have allowed bikes from their opening days in the 1970s and are still in perfect operating condition. Canada and Australia boast many similar examples.

There are over 7 million BMX riders in the United States. That's a lot of bikes to fit in the few public skateparks that do allow bikes. In the face of this much interest, cities should provide recreational facilities for their residents.

Every skatepark design can be just as fun for BMX riders as it is for skateboarders and rollerbladers. Just because bikes are bigger and have only two wheels doesn't mean they can't use the same terrain.

Just because the term "skatepark" doesn't have the word "bike" in it doesn't mean bikes don't belong. "Skatepark" has become a generic term for ramp facility, in the same way that Xerox has become a generic term for photocopies, or Kleenex for facial tissues—it's simple and easy to say.

The Brookings skatepark is also made out of the highest psi concrete to withstand the harsh weather found in our region and any sport introduced to it.

This is a civil rights issue because the park is publicly funded, and is discriminatory towards bikers. This is like saying you can't play frisbee on a soccer field. Discrimination is illegal, and we don't like it. We would just like an equal opportunity to excel in our sport much like the others do... Thank you for your consideration.

**AGENDA**  
**City of Brookings**  
**Special Meeting of the City Council**

Brookings City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon 97415  
Thursday December 7, 2006 3:00 p.m.

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Action Item
  - A. Acceptance of Dale Shaddox resignation as City of Brookings City Manager, effective January 5, 2007.
  - B. Discussion and possible approval to authorize Mayor Sherman and Council President Anderson to negotiate and enter into agreement with Dale Shaddox for consulting services to become effective January 5, 2007.
  - C. Discussion and possible approval to authorize Mayor Sherman and Councilor Willms to negotiate and enter into agreement for services of City Manager Pro Tem.
  - D. Discussion and possible approval to authorize Mayor Sherman and Council President Anderson to negotiate and enter into agreement with the League of Oregon Cities to provide job search services to fill the regular City Manager position.
- V. Remarks from Mayor and Councilors
  - A. Mayor
  - B. Councilors
- VI. Adjournment



# Memo

**To:** Mayor and City Council  
**From:** Dale Shaddox, City Manager  
**Date:** December 5, 2006  
**Re:** Notice of Resignation Effective January 5, 2007

---

**This shall serve as my notice of resignation from the City Manager position in the City of Brookings, effective January 5, 2007.**

I have very much enjoyed my tenure here in Brookings as your City Manager. I believe that we have together accomplished much during the past 14 months.

I have also enjoyed my association the City staff, the Mayor and Councilors and the citizens of Brookings.

I thank the Mayor and City Councilors for the opportunity to serve the City in support of the City Council's policies.

I wish the City well in its future efforts to provide quality service to our citizens.

I intend to "zero out" my vacation balance during this period so as not to result in a vacation balance payout of an unfunded liability. Therefore, I will be working in the office on the following dates:

December 5,6,7 and 8. December 26,27,28 and 29.

January 2,3,4 and 5.

Respectfully submitted,

Dale Shaddox