

**AGENDA**  
**City of Brookings**  
**Special City Council Meeting**  
Brookings City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon 97415  
**Tuesday December 19, 2006 7:00 p.m.**

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Public Hearings [pg. 1 - 154]
  - A. An appeal, File No. **APP-5-06**, of the Planning Commission's approval (File No. PUD-1-04/MC-2-06), a request for a minor change to PUD-1-04, *Pacific Terrace*, to change the emergency exit from Izaiha Drive to Pacific Terrace Drive, to remove the existing water tank, or to obtain approval of the water tank as presently located by authorization for a variation from height and setback requirements; and plat a 175 foot spur road, named Sage Lane, for access to Tax Lots 1527 and 1528; located at Old County Road and Marina Heights; Assessor's Map 40-13-32CC, Tax Lots 1501, 1527, 1528 and 1535; Gary & Meta Kent, Eric & Mollie Eastaff, Harry & Sherry Gallaty Michael & Ellen Winger, appellants. Criteria used to decide this case can be found in Chapters 17.116, 17.24.060, 17.24.070, and 17.152, of the Land Development Code.
  - B. An appeal, File No. **APP-6-06**, of the Planning Commission's approval (File No. PUD-1-04/MC-2-06), a request for a minor change to PUD-1-04, *Pacific Terrace*, to change the emergency exit from Izaiha Drive to Pacific Terrace Drive, to remove the existing water tank, or to obtain approval of the water tank as presently located by authorization for a variation from height and setback requirements; and plat a 175 foot spur road, named Sage Lane, for access to Tax Lots 1527 and 1528; located at Old County Road and Marina Heights; Assessor's Map 40-13-32CC, Tax Lots 1501, 1527, 1528 and 1535; John Babin, representative for Bruce Brothers-LLC, appellants. Criteria used to decide this case can be found in Chapters 17.116, 17.24.060, 17.24.070, and 17.152, of the Land Development Code.
- V. Remarks from Mayor and Councilors
  - A. Mayor
  - B. Councilors
- VI. Adjournment



# COUNCIL AGENDA REPORT

**To:** Mayor and City Council

**From:** Dianne L. Snow

**Date:** Dec. 11, 2006

**Re:** Appeal of Planning Commission decision on PUD-1-04/ MC-2-06, Pacific Terrace; Appeal File # APP-5-06, Appellants Kents, Wingers, Gallatys, and Eastaffs; also Appeal File # APP-6-06, Appellants, Bruce Brothers, LLC.

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**Subject:** Two appeals have been filed for the above referenced application, PUD-1-04/ MC-2-06, which requested approval of a Minor Change to the approved Planned Unit Development/Subdivision (Pacific Terrace) to plat Sage Lane, a 175 foot private road serving lots 6 and 15, plat a cul-de-sac at the end of Izaiha Drive on lot 26, and eliminate the access easement from Izaiha Dr. to Marina Heights Loop. The Minor Change application also requested authorization to eliminate the water tank on "Tract A" or approve a variation to setbacks and height standards for the tank. Pacific Terrace PUD is located on the east side of Old County Rd. and Marina Heights Rd. with the northerly boundary adjacent to the city limits line. The subject property is identified as Tax Lots 1501 through 1530 on Map 40-13-32CC and is zoned Suburban Residential (SR-20).

**Background /Discussion:** The Planning Commission conducted a hearing on Nov. 7, 2006 on this matter and approved the Minor Change request. The Ordinance Criteria from Chapter 17.116, Planned Unit Development Approval, addressing a minor change and variations follows this 3 page memo. Appeals have been filed by the applicants (APP-6-06) and a group of neighbors (APP-5-06) relating to the water tank issue.

- APP-5-06 requests the tank be removed or lowered. It also expresses concern that the landscaping required in the Condition of Approval # 43 of the Final Order for PUD-1-04/ MC-2-06 didn't state landscaping would be provided along Marina Heights Loop.

**Response -** When a development is approved the applicant provides engineered plans for the infrastructure which the City Engineer reviews and must approve prior to construction. No engineered plans have been submitted to consider removing or altering the height of the tank. The City Council has no authority to approve the removal or lowering of the tank without engineered plans to demonstrate that this option will adequately meet the needs of the PUD.

Condition # 43 requires the landscaping along the existing cedar fence which borders the tank site along Marina Heights Loop and the western side of the site. This landscape screen is required to provide a visual barrier for the existing residential development to the north (area of Marina Heights Loop) and west of the tank site.

- The Bruce Brothers, LLC, in APP-6-06, request removal of the tank or approval of the variations to height and setback requirements to allow the tank to remain in its present location.

**Response:** As stated in the response to APP-5-06 above, no engineered plans have been submitted and approved to demonstrate the PUD doesn't need the water tank to provide water service. The City has received a letter dated October 30, 2006 from Richard Nored, City Engineer, stating the tank is needed (**Attachment A to this report**).

This appeal also requests changes to the Conditions of Approval as stated in the Planning Commissions Final Order for the Minor Change. Condition #43 reads, "The water tank, 34.5 feet in height, on Tract A approved in this minor change application has a front yard setback of 7 feet 3 inches and a rear yard setback of 9 feet. The Applicants have submitted photos, a plot plan and narrative describing what landscaping has been done and agree to additional landscaping deemed necessary to screen the water tank from view of the adjacent property owners. The Applicant must submit a landscape plan prepared by a licensed landscape architect that accomplishes the following: vegetation at least 15 feet in height at the time of planting and of sufficient density and spacing that the water tank will be blocked from view for the first 15 feet in height the entire length of the existing cedar fence. This vegetation must be of a type that will eventually grow to a height that will entirely screen the tank from view along the cedar fence. Irrigation must be provided and landscaping maintained in a healthy condition. The landscape plan must be reviewed and approved by the City. This landscaping must be implemented prior to obtaining final approval and recording of the revised plat." Bruce Brothers, LLC request the language relating to the landscaping requirement be revised to state, "The landscape plan should be approved by local landscape contractor (not architect) or, in the alternative, pursuant to a landscape plan developed with and approved by committee of local landowners and be administered by a local landscape contractor."

**Response:** The definition of a "landscape architect" is, "One whose professional skill is the decorative and functional alteration and planting of grounds." The definition of a "landscape contractor" is, "One whose occupation is the decoration of land by planting trees and shrubs and designing gardens." The City specified a "landscape architect" as the landscaping plan must accomplish specific "functional" results to provide the needed mitigation. It is also a concern that a "committee of local landowners" may not have the expertise to design a plan that would provide the needed mitigation as described in the Condition above.

Condition #42 in the Final Order for the Minor Change reads, "The City Engineer will do calculations to determine if the water tank was sized to serve parcels outside of the approved 29 lot Planned Unit Development (PUD). If the tank has more capacity than is needed to serve this approved PUD, a reimbursement formula will be determined and administered by the City to provide pay-back to the Applicant for future use of this portion

of the tank. *(As amended by the Planning Commission.)*" The Bruce Brothers, LLC want that condition changed to reflect the following compensation scenario: "The "buy-back" provision approved by the planning commission was intended to be effective immediately upon putting the water tank into service and was intended to compensate the applicant for access capacity and construction that was required by the City of Brookings beyond the capacity and construction required for service of the lots in the Pacific Terrace PUD. The "buy-back" provision was not intended to be an assessment against future development in the area of the Pacific Terrace PUD."

**Response:** In a letter dated Nov. 17, 2006, Richard Nored, City Engineer, describes the capacity requirements for the reservoir (water tank) to serve the PUD (**Attachment B to this report**). He indicates there is additional capacity to serve 9 future dwellings and recommends the City use a reimbursement policy to "pay-back" the developers as future users connect to the system. The Brookings Land Development Code, Chapter 17.168.160, Water System, describes the reimbursement procedure that the City uses when there is additional capacity (**Attachment C to this report**).

The appellants have provided findings which are found in **Attachment D** of this report

**CONCLUSION** – Based on information the City's Engineer has provided the water tank is a needed component of the PUD. The City believes the requirement for a landscape architect is needed to ensure the needed visual mitigation is accomplished. The City's Ordinances have provision for reimbursement or "pay-back" to the developer for any additional capacity the water tank has.

Attached you will find:

- Attachment A – October 30, 2006 letter from Richard Nored, HGE
- Attachment B – November 17, 2006 letter from Richard Nored, HGE
- Attachment C – Chapter 17.168.160 from the Brookings Land Development Code
- Attachment D – Appellants findings
- Planning Commission Staff Report for PUD-1-04/ MC-2-06 including the Supplemental Packet and two exhibits turned in at the meeting.
- Planning Commission Final Order/ Conditions of Approval for CUP-1-06/MC-1-06

**Recommendation:** Deny the appeals, APP-5-06 and APP-6-06, and uphold the Planning Commission's decision to approve the minor change as proposed in application PUD-1-04/ MC-2-06.

**Financial Impact(s):** None.

**City Manager Review and Approval for placement on Council Agenda:**

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Dale Shaddox, City Manager



# ORDINANCE CRITERIA

## Brookings Municipal Code

### Chapter 17.116

#### PLANNED UNIT DEVELOPMENT APPROVAL

##### **17.116.080 Variations to be authorized.**

The planning commission may authorize standards of site area and dimensions, site coverage, yard spaces, heights of structures, distances between structures, off-street parking and off-street loading facilities and landscaped areas not equivalent to the standards prescribed within the regulations for the district within which the planned unit development is located, if the applicant has demonstrated, by his design proposal, that the objectives of the land development regulations and of this section will be achieved. [Ord. 89-O-446 § 1.]

##### **17.116.110 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. [Ord. 92-O-446.J § 3; Ord. 89-O-446 § 1.]



ARCHITECTS  
ENGINEERS  
SURVEYORS  
PLANNERS

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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 30, 2006

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Attn: Dianne Snow  
Planning Director

Re: Pacific Terrace PUD  
Bruce Bros.  
Project No. 06.24

Dear Dianne:

We understand that Bruce Bros. has suggested that the existing 158,000 gallon reservoir be removed and that Pacific Terrace utilize service from the 3<sup>rd</sup> high level Pacific View reservoir. A tank of this size, at the existing elevation or higher, is needed to adequately serve the Pacific Terrace P.U.D. The 3<sup>rd</sup> high level Pacific View reservoir is a 23,000 gallon reservoir that serves a large portion of Marina Heights, and is not adequate for the Pacific Terrace project.

In addition, much of the area in the Pacific Terrace PUD is in the area planned for 2<sup>nd</sup> high level service, and the development needs 2<sup>nd</sup> high level service for pressures and fire protective needs. This area has lacked 2<sup>nd</sup> high level water service for many years, and we recommend that the City continue to require this reservoir be provided.

If you have any questions or concerns, please contact me.

Very truly yours,

HGE INC., Architects, Engineers,  
Surveyors & Planners

Richard D. Nored, P.E.  
President

c. John Cowan  
Public Works Director



ARCHITECTS  
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Richard D. Nored, P.E.  
Joseph A. Slack, A.I.A.  
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Stephen R. Cox

November 30, 2006

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Attn: John Cowan  
Public Works Director

Re: Pacific Terrace PUD  
Bruce Bros. Inc.  
Project # 06.15

Dear John:

We have discussed the Brookings Planning Commission decision that future users connecting to the Pacific Terrace Reservoir should pay a fair, proportionate share of the construction cost for the reservoir. There is some background that should be considered in design of the reservoir, and it is worthwhile to express our position in the original requirements for the developers to construct this reservoir.

When engineers for Pacific Terrace first proposed service to this property from Old County Road and Marina Heights Loop, they did not understand the differences between the different water system pressure levels in Brookings. For the Pacific Terrace property, lower levels are in the service area for 1<sup>st</sup> high level water service, the middle of the property is in the service area for 2<sup>nd</sup> high level water service, and the upper levels of the site are in the service area for 3<sup>rd</sup> high level water service. This is an unusual property with vastly varying topography, and is an area that has received special consideration for many years.

Because of the very limited area of the City in this area that could be served with 2<sup>nd</sup> high level water service, a decision was made in the early 1980's to combine the 2<sup>nd</sup> and 3<sup>rd</sup> high level service areas in this section of town. This approach has worked well for many years because there was very limited usage in the 2<sup>nd</sup> high level service area, and all users received 3<sup>rd</sup> high level service with pressure reducing valves to reduce the pressure to a level that was functional for the few houses receiving service. The Pacific Terrace development forced the City of Brookings to consider a separate 2<sup>nd</sup> high level service area to adequately serve the lots that should receive this level of service. In addition, the existing 3<sup>rd</sup> high level reservoir that maintained pressure for the 2<sup>nd</sup> and 3<sup>rd</sup> high level service areas was of very limited capacity, totaling 23,000 gallons.

Two decisions were reached in order to provide quality water service to this property. First, a 2<sup>nd</sup> high level storage system was needed to serve the 2<sup>nd</sup> high level service area in this vicinity, and secondly some means needed to be developed to limit the impact from development on the inadequate 3<sup>rd</sup> high level reservoir at Pacific View. We suggested that water from Marina Heights Loop could be used to serve Pacific Terrace if a reservoir was constructed to provide storage for the service area, and if demand on the 3<sup>rd</sup> high level Pacific View reservoir was not increased in a manner that would be a detriment to existing users of the system. To serve the area from Marina Heights Loop, we recommended that 7 houses could be served from the existing 3<sup>rd</sup> high level service area if we removed 7 or 8 existing houses from the 3<sup>rd</sup> high level service area and

relocated them properly to a 2<sup>nd</sup> high level system. If this was not done, the City would have been adding 7 new homes to the 3<sup>rd</sup> high level reservoir that was already severely undersized and overloaded. This was easily accomplished by removing the 7 or 8 houses which are currently receiving 3<sup>rd</sup> high level service on an un-named easement West of Marina Heights Road (including properties addressed from 875-955 Marina Hts. Rd), and reconnecting them to the 2<sup>nd</sup> high level system which Pacific Terrace was proposing to install. In effect, this then would not create a greater impact on the 3<sup>rd</sup> high level reservoir than existed at that time.

Based on this analysis, and following recommendations in the Water System Master Plan for the City of Brookings, April 2000, design followed to develop a new 2<sup>nd</sup> high level service area and a new 2<sup>nd</sup> high level reservoir that would properly serve the service area. Fire flows at a minimum of 1,000 gallons per minute for 2 hours were recommended in the Master Plan, and this required a minimum of 120,000 gallons of fire storage. In order to provide capacity for one maximum day of consumptive usage, for the planned 29 homes in Pacific Terrace and 8 homes existing on the un-named easement West of Marina Heights Rd., at a usage of 820 gpd/EDU, an additional consumptive need for  $37(820) = 30,340$  gallons of additional capacity was provided. Total reservoir need for Pacific Terrace and the existing homes on the un-named easement than totals 150,340 gallons. Engineer's for the Pacific Terrace Subdivision provided capacity for 158,000 gallons of storage, which has a reserve of 7,660 gallons for future consumptive usage.

This reservoir will provide water for future growth of 7,660 gallons/820 gallons/day/EDU, or 9 additional new homes. We recommend that the City of Brookings obtain the cost of developing this reservoir from the developers of the property, and that a reimbursement policy be set up to reimburse the developers as future users in the 2<sup>nd</sup> high level system develop. Costs for developing the reservoir should be divided by 46 potential EDU's, and the cost per future EDU should be reimbursed to the developers as future growth occurs

If you have any questions or concerns, please contact me. We appreciate 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. Dale Shaddox

## From Brookings Land Development Code

**17.168.160 Water system.**

Water lines and fire hydrants serving each building site in the development shall be installed by the developer in public street rights-of-way, private streets or public easements. The lines shall be connected to existing mains, or the developer shall install additional mains as necessary to adequately serve such development.

A. Water System Design. Water system design shall take into account the need for extension beyond the development and to adequately grid the water system. All water facilities shall be installed to standards, location, lengths and sizes as approved by the city engineer. Actual capacity tests, if needed, shall be run by the city fire marshal at the expense of the developer.

B. If required water facilities installed by the developer will directly benefit and serve property outside the development, whether immediate or future, the city will reimburse the developer an amount estimated to be the proportionate share of the cost for each connection made to the water main by property owners outside the development for a period of 10 years from the time of installation of the main. The amount shall be determined at the time of issuing the development permit, considering then current construction costs. An alternative to this method of equitably distributing the cost of such water main extension outside the proposed development may be pursuant to BMC 17.168.140(A)(1). [Ord. 89-O-446 § 1. Formerly 16.05.160.]

RECEIVED

APP-05-06

NOV 17 2006

CITY OF BROOKINGS

November 17, 2006

The Planning Commission's Final Order & Findings of Fact dated 7-6-04 plainly state: The proposed use of this PUD will have minimal adverse impact upon adjoining properties and the improvements thereon. This water tank does not meet that requirement.

To re-iterate my earlier testimony, the tank was built without permission, has been rejected by the City of Brookings, and does not meet height and set-back requirements. For reasons unclear to me the City has apparently reversed their thinking in regard to this tank. During this whole process the home owners in the Marina Heights Loop area had been told the tank would be approx. 14-15 feet in height and fully landscaped to minimize the impact. This tank has grown into a monster!

The request of the Bruce Bros to the Planning Commission in November was to remove the tank and I believe it is in the best interest of everyone involved to do this. However, given the change of heart by the City, now I would have to suggest that if this is not to be, than at least require the tank to be either 1) set into the ground with a pump system, and I understand that has been done in at least one other location in Brookings, or 2) Lower two of the tiers to obtain a more appropriate height for the neighborhood. (See copy of attached letter from the Bruce Bros. dated 8-15-06 referring to their willingness to do just this)

Much has been said about that lot already having 80 foot trees on it before the tank, and yes that is true, however those trees had been limbed at least 40 feet up so as to allow a view through them, and there is no contest as to whether one would rather look at trees or a shiny metal water tank.

This water tank may be necessary for the City's water supply to some degree, but it certainly can be recessed into the ground to supply the same amount of water and have much less impact on our neighborhood.

Finally in addressing the necessary landscaping for the water tank, the requirement is only to landscape that part of the tank that is adjacent to

the PUD property, and there are apparently no requirements for any type of landscaping to lessen the impact from our homes on Marina Heights Loop. This must be corrected.

In closing, please understand the impact this water tank has had on our neighborhood and lets try to construct a compromise that would give the City the water they need, the Marina Heights Loop homeowners some relief from the sight of this tank, and the Bruce Bros. the ability to continue with their PUD.

Thank you for your time.

*Meta Kent Gary Kent*  
Meta & Gary Kent

D-3

**Bruce Bros. Inc.**  
P.O. Box 61  
Brookings, OR 97415  
CCB # 108497 (541) 469-9210

rec'd  
8/28/06  
(m)  
**RECEIVED**  
NOV 17 2006  
**CITY OF BROOKINGS**

August 15, 2006

Michael and Ellen Winger, Gary and Meta Kent, Harry and Sherry Gallaty,  
Eric and Mollie Eastaff,

Dear neighbors,

As you are aware, Mike Winger and I have had several conversations in an attempt to bring about a solution and resolution to the height and visual concerns you've voiced surrounding the water tank constructed on Marina Heights Loop. Mike has met and discussed this issue on several occasions with City Manager Dale Shaddox. We are sympathetic to the concerns from neighbors and believe together we can reach a solution regarding the overall height of the tank. We are under the belief that the reduced capacity volume of the tank in relation to the lots we are developing is not an issue with the City of Brookings. It is, unfortunately, a difficult situation and we have not been provided any clear direction from the City at this time. Nor do we appreciate being pitted against our community and neighbors in an adversarial light. We appreciate the dialog between us, what we thought was a benefit we were contributing to the community has proved otherwise. We additionally desire to incur no additional legal costs in connection with further hearings and deliberations associated with the review of the aforementioned water tank and site with the various potential jurisdictions having review and/or oversight authority.

Notwithstanding ---Bruce Bros. is in agreement with the following general terms;

- Bruce Bros. does agree to solicit the City of Brookings to lower the existing tank by two ring levels, thereby lowering the overall height of the tank. When this reconstruction occurs, the engineers will be instructed to relocate the access ladder around the rear of the tank, so as to lessen the visual impact as much as possible. A protective fence and landscaping is part of the original conditions of approval, pending acceptance as required by the building department staff at the City, junipers or other tall, fast growing trees will be planted around the tank, as has been the intention by Bruce Bros. from inception. Bruce Bros. has engaged in this negotiation in an effort to remove the stop work order and other impediments and obstacles to moving ahead towards completion of this planned community.
- The parties involved as applicants will withdraw the pending appeal before the City Council to reverse the Planning Commission decision.
- Bruce Bros obligations under this agreement are contingent on the dismissal of the City Council hearing and are a condition precedent to this agreement.



- Acceptance by the City of Brookings of this agreement without further modification, not consensual to Bruce Bros.
- Hold harmless and release of liability for Bruce Bros. for any and all future claims of loss in connection to the mandated construction of the City's water tank.

We are all concerned and eager to reach a positive outcome, and are aware the powers that be may already be considering an alternate course of action. We also welcome your input; this is not an absolute list of terms we would give consideration. Your immediate response and attention is requested. Please circulate this letter among your co-applicants.

Richard Wise  
Operations Manager

**BABIN & KEUSINK**

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

P.O. BOX 1600 • 517 CHETCO AVE  
BROOKINGS, OREGON 97415-0600

(541) 469-5331 • FAX (541) 469-9865

JOHN C. BABIN\*  
\*ALSO LICENSED IN CALIFORNIA

November 22, 2006

D-5  
APP-6-06  
CHRISTOPHER KEUSINK

RECEIVED  
NOV 22 2006  
CITY OF BROOKINGS

VIA HAND DELIVERY

Dianne L. Snow  
Planning Director  
City of Brookings  
898 Elk Dr.  
Brookings, OR 97415

RE: PUD-1-04/MC-1-06  
Request for Minor Change

Dear Ms. Snow:

**NOTICE OF CROSS-APPEAL**

Thank you for providing me with the final order in findings of fact in the above-captioned matter which we received in my office on November 13, 2006.

I have been informed by my clients, the Bruce Brothers, that one of the interested parties to this land use matter has appealed the decision of the planning commission to the city council. While I have not seen a notice of the appeal by the interested party, the applicant intends to cross-appeal on the basis described in this notice.

The original application for minor change submitted by the applicant was submitted in the alternative:

1. Change the conditions of approval to remove the requirement of the installation of a water tank and remove condition number 41 or, in the alternative; 2. To amend the conditions of approval to allow the water tank as constructed modifying set back and height requirements as they apply to the water tank to confirm its construction as is and making the appropriate modifications on the height and set back requirements as allowed by chapter 17.116.

To the extent that the decision of the planning commission denies the alternative number 1, removal of the water tank, the decision of the planning commission is appealed in its entirety.

To the extent that the decision of the planning commission approved part but disapproved part of alternative number 2 proffered by the applicant the applicant cross-appeals that portion of the

decision which does not totally incorporate the proposal by the applicant including, but not limited to the following items:

D-6

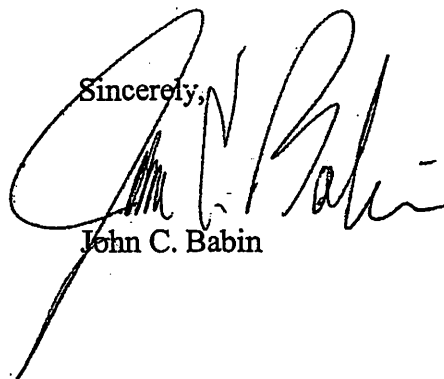
1. The landscape plan should be approved by local landscape contractor (not architect) or, in the alternative, pursuant to a landscape plan developed with and approved by committee of local landowners and to be administered by a local landscape contractor;
2. The "buy-back" provision approved by the planning commission was intended to be effective immediately upon putting the water tank into service and was intended to compensate the applicant for access capacity and construction that was required by the City of Brookings beyond the capacity and construction required for service of the lots in the Pacific Terrace PUD. The "buy-back" provision was not intended to be an assessment against future development in the area of the Pacific Terrace PUD.

The appeal of option number 1 is made on the basis that substantial evidence was presented at the time of the hearing to show that the requirement of the water tank was not necessary under relevant Brookings criteria for the approval of the PUD/subdivision. The most substantial evidence was presented to the planning commission that condition number 41 requiring the water tank was not a reasonable requirement. Further, no evidence was presented that the condition of the water tank was necessary to meet a stated objective of the sub-division and there was no essential nexus between the requirement of the water tank and the subdivision in violation of the principles enunciated in Dolan v. City of Tigard, 512 U.S. 374.

A filing fee is not being presented with this notice of cross-appeal. We see no requirement for a filing fee in the event of a cross-appeal.

In the event that the appellant dismisses or withdraws their appeal of the decision of the planning commission please advise and the applicant will consider whether or not to continue with our cross-appeal. I have this matter on my calender for Thursday, December 14, 2006 at 7:00 pm. for an appeal hearing before the planning commission.

Sincerely,



John C. Babin

JCB:jg  
James Spickerman  
Client/5359.06

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

SUBJECT: PUD/Subdivision, Minor Change  
FILE NO: PUD-1-04/MC-2-06  
HEARING DATE: November 7, 2006

REPORT DATE: October 30, 2006  
ITEM NO: 8.1

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**GENERAL INFORMATION**

APPLICANT: Bruce Brothers, LLC.

REPRESENTATIVE: Richard Wise.

REQUEST: A minor change to the approved Planned Unit Development/Subdivision to plat Sage Lane, a 175 foot private road serving lots 6 and 15, plat a cul-de-sac at the end of Izaiha Drive on lot 26, and eliminate the access easement from Izaiha Dr. to Marina Heights Loop. The application also requests authorization to eliminate the water tank on "Tract A" or approve a variation to setbacks and height standards for the tank.

TOTAL LAND AREA: 13.43 acres (584,961 sq. ft.).

LOCATION: On the east side of Old County Rd. and Marina Heights Rd. with the northerly boundary adjacent to the city limits line.

ASSESSOR'S NUMBER: 40-13-32CC, Tax Lots 1501 through 1530.

**ZONING / COMPREHENSIVE PLAN INFORMATION**

EXISTING: SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size).

PROPOSED: Same.

SURROUNDING: West across Old County Rd.-R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size); South and East-SR-20; North-County R-2.

COMP. PLAN: Residential both in and out of the city.

**LAND USE INFORMATION**

EXISTING: Vacant except for a completed dwelling on Lot 6, two dwellings in progress on Lots 2 and 3, and a water tank on Tract A.

PROPOSED: Minor change to an approved 29 lot Planned Unit Development.

SURROUNDING: Single family homes both within and out side of the city and

scattered vacant lots.

**PUBLIC NOTICE:**

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

**APPLICABLE CRITERIA:** City of Brookings Land Development Code - 2006  
Chapter 17.116 – Planned Unit Development  
Chapter 17.136 – Conditional Uses  
Chapter 17.172.060 - Subdivisions

**BACKGROUND INFORMATION**

~~The Planning Commission approved a Planned Unit Development/Subdivision on the subject property on July 26, 2004. On Aug. 2, 2005 a request for a minor change was approved.~~ This minor change added one additional lot (lot 29), realigned the interior road to provide a second access point on Marina Heights Loop, and allowed the setback requirement for specified lots to be those of the R-2 (Two Family Residential) Zone rather than the underlying SR-20 Zone. The approved project consists of 29 building envelope type lots that are located on the flatter areas of the property leaving the steeper slopes as common area with a walking trail.

The subject property is a 13.43± acre, irregular shaped parcel of land located on the easterly side of Old County Rd. and Marina Heights Rd. and adjacent to the northerly city limits.

In the original approval the access to the PUD was from Old County Road at the northwest corner of the subject property. An emergency access easement with a locked gate provided secondary access at the southerly terminus of Pacific Terrace Dr.

The Applicant has completed or is in the process of implementing the required improvements to the streets and the extension of water and sewer mains. A water tank has been constructed on "Tract A" (tax lot 1501) in the northeasterly portion of the PUD adjacent to Marina Heights Loop.

**PROPOSED MINOR CHANGE AND ANALYSIS**

This development, Pacific Terrace PUD, is an approved subdivision with building envelope-type lots. ~~Variations to standards relating to site coverage, yard spaces, heights, off-street parking, etc. may be authorized when shown the proposal meets the objectives of the land development regulations, will be compatible with adjacent developments, and will adequately take care of infrastructure including traffic and utilities. The four elements of the requested minor change are related to traffic circulation, setback and height requirements.~~

The Applicant is ~~requesting~~ a minor change to the approved project to ~~plan Sage Lane, a 175-foot private road serving lots 6 and 15, as a cul-de-sac at the end of Izaiha Drive on lot 26, and eliminate the access easement from Izaiha Dr. to Marina Heights Loop.~~ The application also ~~requests authorization to eliminate the water tank on "Tract A" or approve a variation to setbacks and height standards for the tank.~~ The Applicants have submitted findings (Attachment A) in the form of a two page letter dated Sept. 20, 2006, a one page letter dated October 13, 2006, and various correspondence with City Staff and documents from previous applications regarding Pacific Terrace PUD. The following is a description and analysis of each requested change:

### Sage Lane

Lots 6 and 15 take access through the common open space/ public utility easement adjacent to Marina Heights Road between the two lots. Both the north and south segments of the shared driveway have been constructed with a paved road surface of approximately 14 feet in width. The Applicants wish to name this driveway access and plat it. The northerly boundary of lot 15 and the south boundary of lot 6 will then become their front property lines. This will then meet the Land Development Code requirement, Chapter 17.128.060, "Access" which states each lot must take access and be addressed from the frontage street. One leg of Sage Lane extends north to serve Lot 6 and the other leg extends south to serve Lot 15. At the intersection of these legs is an area that serves as a turn-around. The City Fire Chief, Bill Sharp, has provided written comments on Sage Lane and the other proposed street system changes (**Attachment B**). In the memo it states he has no concerns with this configuration.

### New Street Alignment

The Applicant is requesting re-approval of the original street configuration. The private street system enters the property from Old County Rd. then splits into a one way loop, Pacific Terrace Dr. that circles through the center of the property. A short section of two-way street extends from the southerly end of Pacific Terrace Dr. to an emergency access easement that extends through adjoining property to Marina Heights Rd. This access is gated at its south end and is proposed to be used for emergency access only. A minor change granted on Aug. 2, 2005 platted the extension of Izaiha Dr. along the south boundaries of Lot 29 and Tract A to connect with Marina Heights Loop. Creation of this extension required obtaining an easement from the owner of the property over which it traverses. The Applicants indicate they are not able to obtain this easement presently and therefore request the re-authorization of the former street configuration. Izaiha Dr. would then be a cul-de-sac and require a turn-around as shown on the plat. The turn-around has a 35' radius and is located on the right-of-way and Lot 26. Lot 29 and Tract A are accessed from Marina Heights Loop. With this proposal each Lot has at least the required 20 feet of frontage on a street. The Fire Chief's memo indicates this proposal meets the Fire Department's concerns.

### Elimination of the Water Tank

The Applicants have two proposals regarding the water tank located on Tract A. The first proposal is the elimination of the tank. **Attachment C** is a letter from HGE, the City's contracted engineer, dated Oct. 18, 2006 which states the tank is needed to provide water service and fire protection to the Pacific Terrace PUD. Eliminating the tank is not an option.

### A Variation to Height and Setback Requirements for the Water Tank

The tank site is subject to the R-2 height and setback requirements as approved in the Minor Change application on Aug. 2, 2005. In the R-2 zone the maximum height is 30 feet. The front yard setback is 20 feet. The side and rear yard setbacks are a minimum of 5 feet with an increase of 6 inches for each 1 foot of structure height over 15 feet. The tank is 34.5 feet in height as shown on the infrastructure as-built plans submitted by the Applicant (**Attachment D**). This height requires a 14 ft. 9 inch setback from both the side and rear property lines. As shown in Exhibits 2 and 3 the rear setback is 9 feet, the west side yard setback is 17 feet 7 inches, and the east yard setback is 46.55 feet. The east and west setbacks exceed the required 14 ft. 9 inches.

The rear setback is 5 ft. 3 inches less than the requirement. The front yard setback is 20 feet and the tank presently is 7 feet 3 inches from that property line. Marina Heights Loop's paved road surface is located in the northerly portion of the right-of-way, leaving a distance of 25 ft. 11 in. from the tank to the road. Relocating the tank on any other area of Tract A would not remedy the setback issue.

As stated in the City engineer's letter, the water tank is essential to provide needed water service and fire protection for the PUD. It must be located at the present elevation or higher. There is no other area with a higher elevation on the subject property. The PUD criteria does allow for variations to standards relating to yard spaces and height when shown the proposal meets the objectives of the land development regulations, will be compatible with adjacent developments, and will adequately take care of infrastructure. The tank is an approved and necessary facility to serve the PUD. It will be linked to the existing City water system. The tank does not have a visual impact on adjacent properties. Prior to the clearing of Tract A and siting of the tank, there were large trees located in this area. This stand of large trees was the view seen by the adjacent properties. The applicant has proposed to reinstate this view by implementing a landscape plan (Attachment E). A cedar fence, several redwood trees, a chinese elm and rhododendrum shrubs and been recently planted adjacent to Marina Heights Loop and Lot 29. The Applicant's stated they are willing to implement additional landscaping to provide needed screening.

## FINDINGS

The application is supported by the Applicants' findings and those as stated below.

1. The Applicant obtained approval for a Planned Unit Development/Subdivision on July 6, 2004 to create 28 building envelope lots, a private street and common areas on a 13.43 acre parcel of land.
2. The approval of the project was based on criteria in Section 140, Conditional Uses, Section 116, Planned Unit Development and Section 176, Land Divisions, of the Land Development Code.
3. The subject property is zoned SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size) and is designated as Residential by the Comprehensive Plan.
4. The Applicant requested a minor change to the approved project in 2005 which added one additional building envelope lot, allow yard setbacks for certain lots equivalent to those of the R-2 Zone rather than the underlying SR-20 Zone, and realigned the internal street system to provide for an access point on Marina Heights Loop and abandon the connection to the emergency access point at the easement in the southerly portion of the parent parcel.
5. With the current minor change application the request is to re-instate the originally approved street configuration resulting in Izaiha Dr. ending with a cul-de-sac and utilizing the emergency access easement at the south terminus of Pacific Terrace Drive. Also requested is platting of Sage Lane to serve Lots 6 and 15. The request also includes either the removal of the water tank on Tract A or authorizing a variation to the R-2 zone setback and height requirements.
6. The water tank is located on Tract A and is subject to the R-2 Zone yard setbacks and height

requirements. Those setbacks are 20 feet for the front yard and 5 feet for the side and rear yards with an increase by ½ foot for each foot over 15 feet of building height. Maximum structure height is 30 feet. The water tank is 34.5 feet in height. The tank is 7 feet 3 inches from the front property line and 9 feet from the rear property line.

7. All of the applicable Conditions of Approval applied to the original approval are still in effect unless negated, deleted or changed by the supplemental conditions added through the approval of this minor change.

## CONCLUSIONS

1. The project was approved in July of 2004. A minor change was approved in Aug. of 2005. This current minor change application considers only two elements of this approved project, street configuration and water tank siting.
2. The proposed street configuration is the same as was originally approved in July 2004. Each Lot will have the required street frontage with this configuration. The City Fire Chief, in a memo dated Oct. 24, 2006 has stated the Fire Department does not have any concerns with the proposal. A condition of approval will require the streets to be constructed as described in the staff report and shown on the plat.
3. The water tank sited on Tract A is necessary to provide water service and fire protection for the project. It will be connected to the City's water system.
4. Landscaping will provide a visual screen similar to the view neighboring properties had prior to the siting of the water tank. Implementation of a landscape plan will be a condition of approval. This mitigation measure will provide for compatibility with adjacent developments.
5. All of the applicable Conditions of Approval applied to the previous minor change approval are still in effect unless negated, deleted or changed by the supplemental conditions added through the approval of this minor change.

## CONDITIONS OF APPROVAL

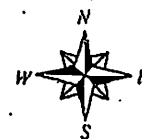
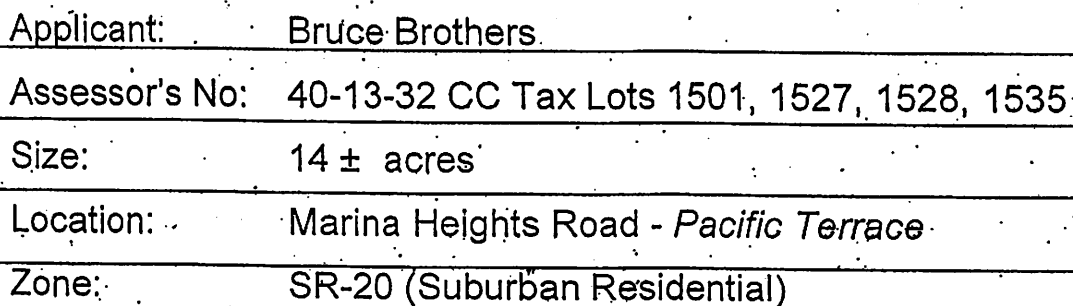
The conditions of approval are attached to and hereby made a part of this report.

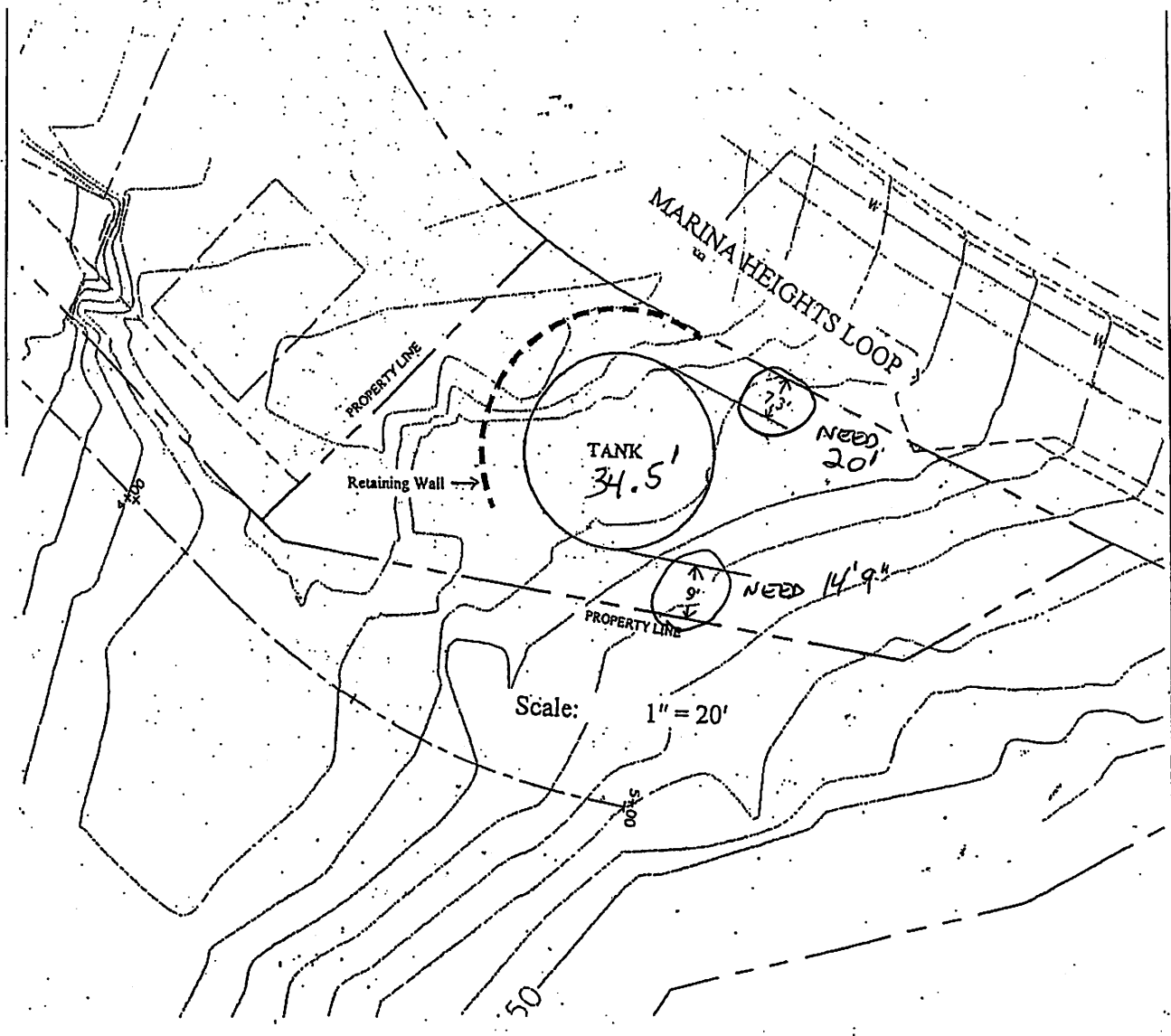
## RECOMMENDATION

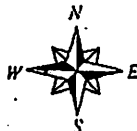
Staff recommends **APPROVAL** of Case File No. PUD-1-04/MC-2-06, based on the findings and conclusions stated in the staff report and provided by the Applicant and subject to the attached Conditions of Approval.

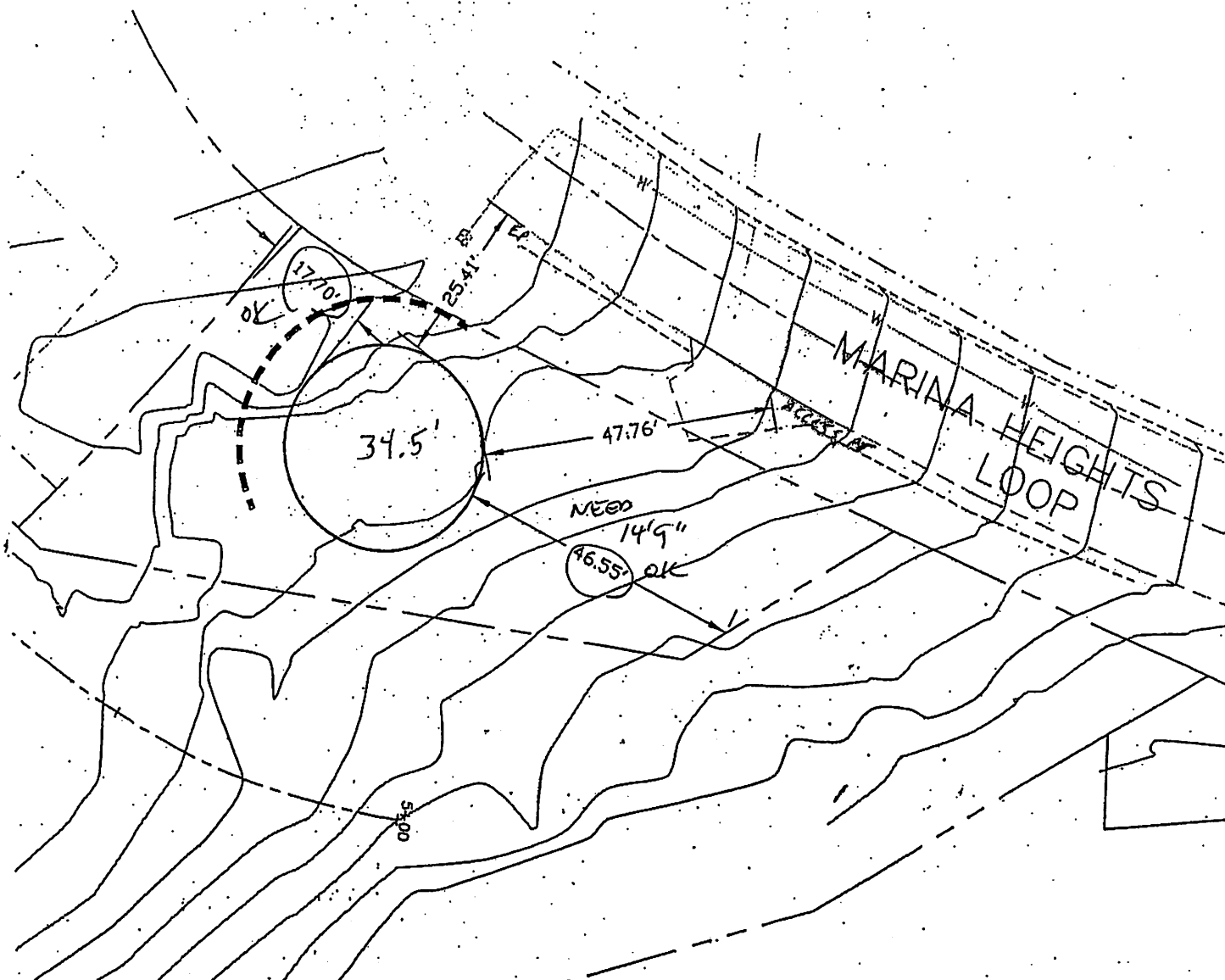
Staff has prepared a Final ORDER to be considered at this meeting.







Applicant:	Bruce Brothers	
Assessor's No:	40-13-32 CC Tax Lots 1501, 1527, 1528, 1535	
Size:	14 ± acres	
Location:	Marina Heights Road - <i>Pacific Terrace</i>	
Zone:	SR-20 (Suburban Residential)	



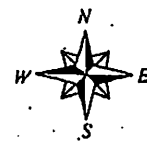
Applicant: Bruce Brothers

Assessor's No: 40-13-32 CC Tax Lots 1501, 1527, 1528, 1535

Size: 14 ± acres

Location: Marina Heights Road - Pacific Terrace

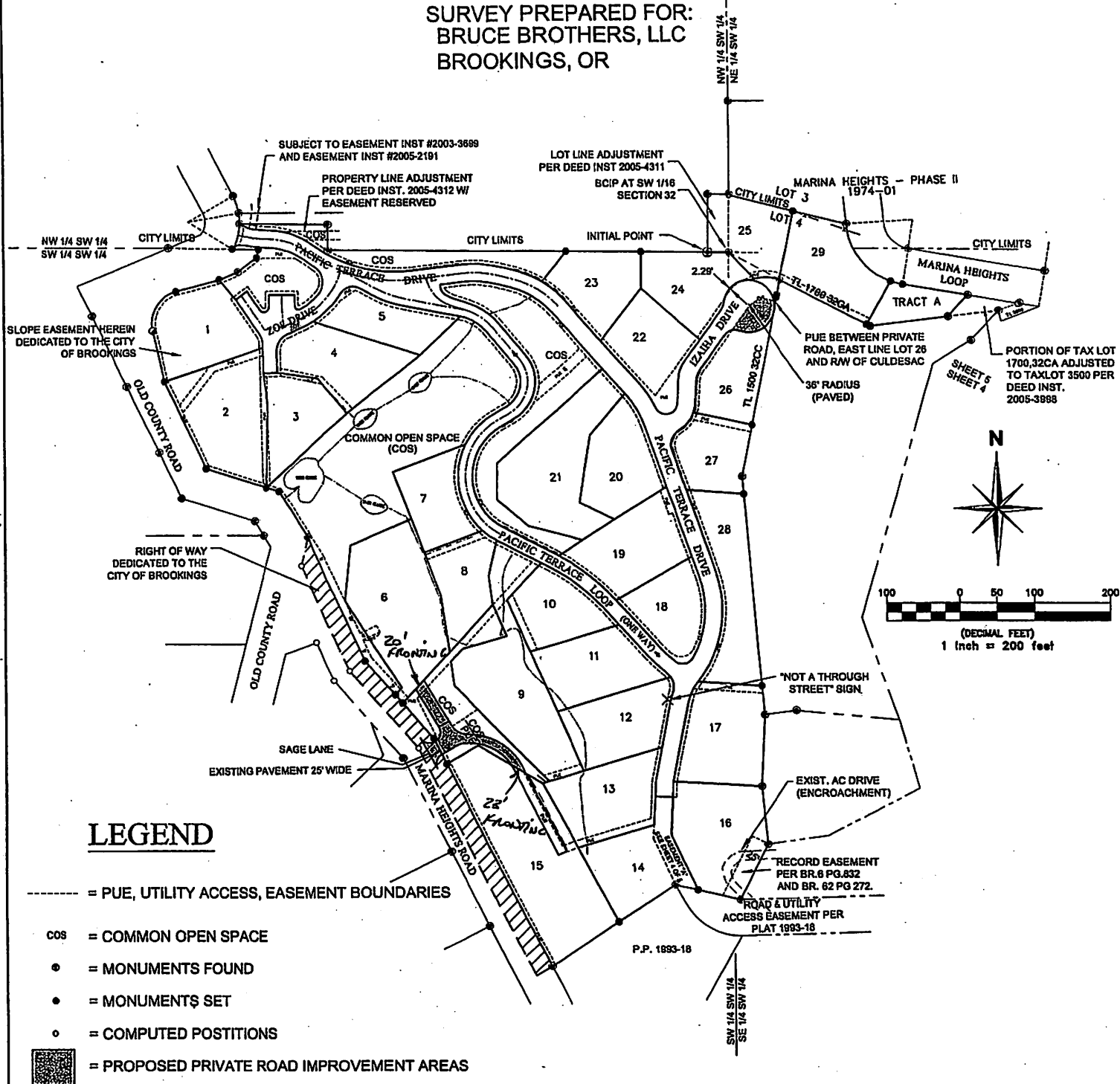
Zone: SR-20 (Suburban Residential)



# Pacific Terrace A Planned Community

LOCATED IN  
THE SOUTHWEST 1/4 OF THE SECTION 32,  
TOWNSHIP 40 SOUTH, RANGE 13 WEST, WILLAMETTE MERIDIAN,  
CITY OF BROOKINGS, CURRY COUNTY, OREGON

SURVEY PREPARED FOR:  
BRUCE BROTHERS, LLC  
BROOKINGS, OR



ASSESSOR'S MAP: 40-13-32CC TL1500, 32CA TL 1700

**STUNTZNER ENGINEERING & FORESTRY**  
ENGINEERING-LAND SURVEYING-FORESTRY-LAND PLANNING-WATER RIGHT  
97829 SHOPPING CENTER AVE.  
P.O. BOX 2748  
HARBOR, OREGON 97415  
PHONE: (541) 469-5329  
FAX: (541) 469-0768  
www.stuntzner.com

JOB #: 203-3-105

DATE: 9/9/2005

DRAWN BY: JBL

CHECKED BY: THM

SURVEY

FOR:

**BRUCE BROTHERS, LLC**  
BROOKINGS, OR

FILE NAME: 203-3-105 PLATBODY.dwg

SHEET 1 OF 1

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

In the matter of Planning Commission File No. PUD-1-04/MC-2-06; a request for a minor change to a conditional use permit and subdivision to establish a Planned Unit Development; Bruce Brothers, LLC, applicant.

) Final ORDER  
) and Findings of  
) Fact  
)  
)

**ORDER** approving an application for a minor change to an approved Planned Unit Development to plat Sage Lane, a 175 foot private road serving lots 6 and 15, plat a cul-de-sac at the end of Izaiha Drive on lot 26, eliminate the access easement from Izaiha Dr. to Marina Heights Loop, and approve a variation to setbacks and height standards for the existing water tank on Tract A, on a 13.43± acre parcel of land located adjacent to the easterly side of Old County Rd. and Marina Heights Rd.; Assessor's Maps 40-13-32CC, Tax Lots 1501 through 1530; Zoned SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size).

**WHEREAS:**

1. The Planning Commission duly accepted the application filed in accordance with the Brookings Land Development Code pursuant to Chapter 17.116, Planned Unit Development Approval, Chapter 17.136, Conditional Uses, and Chapter 17.172.060 – Subdivisions; and

2. Such application is required to show evidence that all of the following criteria for a conditional use permit have 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; and

3. Such application is also required to show evidence that all of the following criteria for a planned unit development have been met:

A. The applicant has, through investigation, planning and programming, demonstrated the soundness of his proposal and his ability to carry out the project as proposed, and that the

- construction shall begin within 12 months of the conclusion of any necessary actions by the city, or within such longer period of time as may be established by the Planning Commission.
- B. The proposal conforms with the Comprehensive Plan and implementing measures of the city in terms of goals, policies, location and general development standards.
  - C. The project will assure benefits to the city and the general public in terms of need, convenience, service and appearance sufficient to justify any necessary exceptions to the regulations of the zoning district.
  - D. There are special physical conditions or objectives of development which the proposal will satisfy so that a departure from standard zoning district regulations can be warranted.
  - E. That the project will be compatible with adjacent developments and will not adversely affect the character of the area.
  - F. The project will satisfactorily take care of the traffic it generates, both on and off-site, by means of adequate off-street parking, access points, and additional street right-of-way improvements.
  - G. That the proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create major problems or impacts outside the boundaries of the proposed development site; and
4. Such application is also required to show evidence that all of the following criteria for a subdivision have been met:
- A. Conformance with the comprehensive plan, and applicable development standards of this code, and state and federal laws.
  - B. Development of any remainder of property under the same ownership, if any, can be accomplished in accordance with this code.
  - C. Adjoining property under separate ownership can either be developed or be provided access that will allow its development in accordance with this code.
  - D. Conditions necessary to satisfy the intent of the land development code and comprehensive plan can be satisfied prior to final approval.
  - E. The proposed street plan affords the most economic, safe, efficient and least environmentally damaging circulation of traffic possible under existing circumstances.
  - F. The proposed name of the subdivision shall be approved by the commission, provided the name does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Curry County, except for the words "town", "city", "place", "court", "addition", or similar words unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name, or unless the applicant files and records the consent of the party who platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed.

- G. The proposed name of a street in the subdivision shall be approved by the commission provided it is not the same as, similar to or pronounced the same as the name of an existing street in the same zip code area, unless the street is approved as a continuation of an existing street. A street name or number shall conform to the established pattern for the area.
- H. Streets that are proposed to be held for private use shall be distinguished from the public streets on the subdivision plat, and reservations and restrictions relating to the private streets are established.
5. 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 November 7, 2006; and
6. 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 October 30, 2006 and oral presentation of same; and
7. 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 minor change 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**

The application is supported by the Applicants' findings and those as stated below.

1. The Applicant obtained approval for a Planned Unit Development/Subdivision on July 6, 2004 to create 28 building envelope lots, a private street and common areas on a 13.43 acre parcel of land.
2. The approval of the project was based on criteria in Section 140, Conditional Uses, Section 116, Planned Unit Development and Section 176, Land Divisions, of the Land Development Code.
3. The subject property is zoned SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size) and is designated as Residential by the Comprehensive Plan.
4. The Applicant requested a minor change to the approved project in 2005 which added one additional building envelope lot, allow yard setbacks for certain lots equivalent to those of the R-2 Zone rather than the underlying SR-20 Zone, and realigned the internal street system to provide for an access point on Marina Heights Loop and abandon the connection to the emergency access point at the easement in the southerly portion of the parent parcel.

5. With the current minor change application the request is to re-instate the originally approved street configuration resulting in Izaiha Dr. ending with a cul-de-sac and utilizing the emergency access easement at the south terminus of Pacific Terrace Drive. Also requested is platting of Sage Lane to serve Lots 6 and 15. The request also includes either the removal of the water tank on Tract A or authorizing a variation to the R-2 zone setback and height requirements.
6. The water tank is located on Tract A and is subject to the R-2 Zone yard setbacks and height requirements. Those setbacks are 20 feet for the front yard and 5 feet for the side and rear yards with an increase by ½ foot for each foot over 15 feet of building height. Maximum structure height is 30 feet. The water tank is 34.5 feet in height. The tank is 7 feet 3 inches from the front property line and 9 feet from the rear property line.
7. All of the applicable Conditions of Approval applied to the original approval are still in effect unless negated, deleted or changed by the supplemental conditions added through the approval of this minor change.

## CONCLUSIONS

1. The project was approved in July of 2004. A minor change was approved in Aug. of 2005. This current minor change application considers only two elements of this approved project, street configuration and water tank siting.
2. The proposed street configuration is the same as was originally approved in July 2004. Each Lot will have the required street frontage with this configuration. The City Fire Chief, in a memo dated Oct. 24, 2006 has stated the Fire Department does not have any concerns with the proposal. A condition of approval will require the streets to be constructed as described in the staff report and shown on the plat.
3. The water tank sited on Tract A is necessary to provide water service and fire protection for the project. It will be connected to the City's water system.
4. Landscaping will provide a visual screen similar to the view neighboring properties had prior to the siting of the water tank. Implementation of a landscape plan will be a condition of approval. This mitigation measure will provide for compatibility with adjacent developments.
5. All of the applicable Conditions of Approval applied to the previous minor change approval are still in effect unless negated, deleted or changed by the supplemental conditions added through the approval of this minor change.

## 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 Minor Change.



Dated this 7th day of NOVEMBER 2006.

\_\_\_\_\_  
Bruce Nishioka, Chairperson

ATTEST:

\_\_\_\_\_  
Dianne L. Snow , Planning Director

**CONDITIONS OF APPROVAL**  
**Pacific Terrace Planned Unit Development**  
**PUD-1-04 and PUD-1-04/MC-2-06 Supplemental Conditions**  
**July 6, 2004, Amended August 2, 2005, Amended November 7, 2006**

**Nov. 7, 2006 Amendments in Bold Type**

General Conditions

1. The final plat shall be in substantial conformance with the submitted preliminary plat as amended herein and as approved by the Planning Commission.
2. Approval of this revision to the recorded final plat will expire one (1) year from approval unless the conditions of approval are met and the revised final plat is approved and recorded or unless an extension of time is requested and approved. The extension of time may be granted by the Planning Commission with good cause and will not exceed one (1) year. Should the applicant wish to proceed with the subdivision following expiration of the one (1) year extension, the preliminary plat process must be re-initiated and resubmitted to the Planning Commission for review and approval.
3. The size and shape of all lots and streets shall conform substantially with the approved revised plat. Substantial changes to the approved revised plat will require re-approval by the Planning Commission.
4. All lots shall conform to the provisions of the SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size) Zone, *as amended herein*, and to all other applicable provisions of the Land Development Code. (As amended by the Planning Commission, August 2, 2005)
5. Improvement work, including grading and fill, shall not be commenced until the City Engineer has reviewed and approved construction plans for adequacy.
6. All costs of plans checks and inspections by the City Engineer shall be paid by the applicant to the city.
7. Information on the construction plans shall be pursuant to the City of Brookings Standard Specifications document dated August 1988.
8. 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.
9. The applicant shall record with the subdivision C, C, & Rs providing for reciprocal access over and maintenance of the private street, to all lots created by the subdivision. A note to this effect shall also be placed on the final plat map.
10. The final plat map shall contain a note stating that prior to the construction of *streets, utilities and a house* on any lot within this subdivision, a geological study *and grading plan* will be required pursuant to Section 100, Hazardous Building Site Protection/Hillside Development Standards. Amended by the Planning Commission 7-6-04).
11. *Prior to any further construction on the site the southerly terminus of the new private street shall be gated and locked for use as an emergency exit only.* The applicant shall coordinate the access code for this gate with the emergency service providers. (Amended by the Planning Commission 7-6-04).
12. The gate to the entrance of the project from Old County Rd. shall be placed at least 30 feet beyond the right-of-way for Old County Rd. and the access code shall be coordinated with the emergency service

providers. The street between the gate and the Old County Rd. right-of-way shall be flat or at a grade acceptable to the City Engineer for sight distance concerns.

13. Lot 26, as shown on the approved preliminary plat map, shall have at least 20 feet of frontage on the spur street.
14. A homeowners association shall be established to provide for the maintenance of the private street system and associated gates; the common areas; and the sewer and storm drain system if they are intended to be owned by the association.
15. The C, C &Rs shall contain a clause to the effect that the city must review and approve any change or deletion of a clause required by the city to be in the C, C &Rs.
16. *Prior to any further construction on the subject property, the applicant shall record a Lot Line Adjustment to bring the included portions of Tax Lots 205 and 300 into the applicant's ownership. (Added by Planning Commission 7-6-04).*
17. *Prior to the approval of the Final Plat Map by the Planning Commission, the applicant shall cause the annexation of the portion of the subject property that currently extends outside of the city limits. (Added by the Planning Commission 7-6-04).*

#### Street Conditions

18. The private streets shall be constructed with 20 feet of pavement for the one-way portion of the street and 24 feet of pavement for the two-way sections of the streets as shown on the approved preliminary plat map.
19. **A cul-de-sac on Izaiha Dr. with a radius of 35 feet in the vicinity Lot 26 shall be constructed. Sage Ln. with an existing 14 foot paved travel area and stop sign is made a part of the private street system, owned and maintained by the homeowners association as stated in the C, C, & R's. A street name sign must be erected.**
20. Old County Rd. shall be improved with two paved, 12-foot travel lanes and a 4-foot paved shoulder along the frontage of the subject property. No obstructions shall be placed in the within the paved shoulder area.
21. The applicant shall dedicate to the city sufficient additional right-of-way along the frontage of Marina Heights Rd. to complete a 25 foot wide right-of-way along the easterly side of the centerline of the street. *The applicant shall execute and cause to be recorded a Deferred Improvement Agreement for future street improvements on Marina Heights Rd. (Added by the Planning Commission 7-6-04).*
22. *Prior to the recordation of the Final Plat Map, the applicant shall engineer and remove the bank-as shown in Lot 14 of the approved preliminary plat- along Old County Rd. south of the proposed entrance to improve the sight distance from the entrance of the project. Prior to the actual removal of the bank, the construction plans shall be approved by the City Engineer and removal shall be according to the approved plans. (Added by the Planning Commission 7-6-04).*
23. All street improvements shall include any required underground storm drain facilities.
24. All street improvements must be approved by the City Engineer prior to construction and all construction shall be carried out as approved by the City Engineer.
25. A "STOP" sign shall be placed on Pacific Terrace Loop at the intersection with Old County Rd.

26. A street light shall be placed at the intersection of Old County Rd. and Pacific Terrace loop as shown on the preliminary plat map, pursuant to the provisions of Section 172.050 of the city's Land Development Code.
27. A street name sign shall be placed at the intersection of Old County Rd. and Pacific Terrace Loop.

#### Sanitary Sewer and Storm Drain Conditions

28. The applicant shall extend sewer service mains into the new private street system and through the other areas of the property as necessary. Service laterals shall be extended to each lot within the subdivision.
29. *The applicant shall extend a sewer main into the Old County Rd. right-of-way from the current terminus to the northerly boundary of the subject property. (Added by the Planning Commission 7-6-04).*
31. *The applicant shall extend a sewer main into the Marina Heights Rd. right-of-way from the current terminus at the intersection of Old County Rd. and Marina Heights Rd. to the southeasterly boundary of the subject property. (Added by the Planning Commission 7-6-04).*
32. 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.
33. The location of all sewer laterals shall be appropriately marked on the curb in a permanent manner.
34. An easement shall be granted to the City over all of the sewer mains throughout the project, unless the mains are intended to be owned by the homeowners association. The width of the easements shall be approved by the City Engineer
35. Any portion of the sewer main that is outside of the driveway shall be provided with a drivable surface suitable to accommodate repair vehicles.
36. All drainage from the subject property including roof drains shall be engineered in a manner that protects down stream properties from water flow greater than currently exists.
37. All storm drains shall be installed pursuant to the provisions of the Standard Specifications document.
38. All storm sewer mains that are located outside of a street right-of-way shall be provided with an access easement as required by the City Engineer, unless the storm drain system is to be owned by the homeowners association.
39. Prior to the construction of the detention basin in the location shown on the approved preliminary plat map, the applicant's engineer shall consult with a geologist to determine the feasibility of the basin due to the presence of the potentially hazardous slope just above that location.
40. All sanitary and storm sewers plans shall be approved by the City Engineer prior to construction and all construction shall be carried out as approved by the City Engineer.

#### Water System Conditions

41. A water tank shall be constructed in the location shown on the preliminary plat map and connected to the city's water system. If the engineers determine that a different site is more appropriate, then a tank shall be constructed in that location.

42. The water tank, 34.5 feet in height, on Tract A approved in this minor change application has a front yard setback of 7 feet 3 inches and a rear yard setback of 9 feet. The Applicants have submitted photos, a plot plan and narrative describing what landscaping has been done and agree to additional landscaping deemed necessary to screen the water tank from view of the adjacent property owners. The Applicant must submit a landscape plan prepared by a licensed landscape architect that accomplishes the following: vegetation at least 15 feet in height at the time of planting and of sufficient density and spacing that the water tank will be blocked from view for the first 15 feet in height the entire length of the existing cedar fence. This vegetation must be of a type that will eventually grow to a height that will entirely screen the tank from view along the cedar fence. Irrigation must be provided and landscaping maintained in a healthy condition. The landscape plan must be reviewed and approved by the City. This landscaping must be implemented prior to obtaining final approval and recording of the revised plat.
43. All lots within the subdivision shall be served by the city domestic water supply system.
44. The applicant shall extend water mains into the private street. Service laterals shall be extended to each lot within the subdivision.
45. 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.
46. Water meters shall be clustered at common lot lines to the extent possible.
47. All water system plans shall be approved by the City Engineer prior to construction and all construction shall be carried out as approved by the City Engineer.
48. A fire hydrant shall be located as shown on the approved preliminary plat map.
49. An easement shall be granted to the city over all water mains constructed for this project. The width of the easement shall be determined by the City Engineer.

#### Utilities

50. All utility lines, including but not limited to, electric, communication, street lighting, and cable television shall be placed underground throughout the subdivision. This includes undergrounding of services from existing overhead utilities.
51. All utility easements shall be clearly defined as to their scope, purpose and term, preferably to be included within the restrictive covenants which are to be recorded with the subdivision plat. The abbreviation "PUE" must be clearly defined and spelled out.
52. All proposed easements shall be clearly shown in dashed lines on the plat including the size and locations as required by the affected utilities, public agencies and service companies.
53. A continuous five (5) foot "PUE" adjacent to the right-of-way on Old County Rd., Marina Heights Rd., Marina Heights Loop, and all of the private streets, shall be provided to be utilized for water related equipment (meters, valves, etc. and other utilities (electrical pedestals, street lights, telephone and other facilities).
54. The applicant shall be responsible to coordinate final acceptance of all proposed "PUE's" with the affected utilities, public agencies and service companies prior to final plat approval.
55. The applicant shall coordinate the placement of mailboxes with the U. S. Postal Service. Mailboxes shall

be placed in a manner that does not obstruct the sidewalk area.

#### Restrictive Covenants

56. In order for retaining walls, fences, etc, to be constructed within the remaining public right-of-way in back of and abutting the sidewalks the applicant shall incorporate in the covenants a "hold harmless" clause absolving the city and/or utilities of any liability or responsibility for the replacement of such appurtenances within the right-of-way should it be necessary to remove same to make repairs to existing facilities or install new facilities therein.

#### Bond and Agreement

57. Prior to the Planning Commission certification of the final plat, the applicant shall install the required improvements.
58. The applicant shall file, to assure his full and faithful performance thereof, one of the following: 1) surety bond executed by a surety company authorized to transact business in the State of Oregon, 2) cash, or 3) an irrevocable standby letter of credit from a bank of savings and loan association. The assurance of full and faithful performance shall be for a sum approved by the City Manager sufficient to cover the cost of the improvements, engineering, and repair of existing streets and other public improvements damaged in the development of the subdivision, and must be approved by the City Attorney as to form and content. The performance bond shall guarantee the improvements to be free of defects for one (1) year after written acceptance by the City Manager.

Supplemental conditions added with the approval of the Minor Change added by The Planning Commission, August 2, 2005.

- ~~58. Prior to construction of the street segment from Marina Heights Loop to the project boundary (that portion through Tax Lot 300) the applicant shall provide the city a copy of the recorded easement for that right of way segment.~~
- ~~59. The gate to the entrance of the project from Marina Heights Loop shall be placed at least 30 feet beyond the right of way for Marina Heights Loop and the access eode shall be coordinated with the emergency services.~~
- ~~60. A stop sign shall be placed at the intersection of the Pacific Terrace Loop and Marina Heights Loop.~~
- ~~61. A street name sign shall be place at the intersection of the Pacific Terrace Loop and Marina Heights Loop.~~
- ~~62. A street light shall be place at the intersection of Pacific Terrace Loop and Marina Heights Rd.~~
- 59.63. The final plat map shall contain the following note: "Lots 14, 15, 16, 17, 23, 24, 25, 26, 27, and 28 shall meet the appropriate setback standard of the SR-20 Zone. *All other lots are allowed to have yard setbacks as follows:*

*Front ..... 20 feet*

*Side..... 5 feet*

*Rear..... 5 feet*

*Side and rear yard setback shall increase by 1/2 foot for each foot of building height over 15 feet. Building height shall be determined as defined in the Land Development Code.*

*(Amended by the Planning Commission, August 2, 2005)*

Bruce Bros. Inc.  
P.O. Box 61  
Brookings, OR 97415  
CCB # 108497 (541) 469-9210

RECEIVED  
SEP 20 2006 CM  
CITY OF BROOKINGS  
September 20, 2006

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

ATTN: Planning Director Diane Snow  
RE: Pacific Terrace PUD 01-04, Request for Minor Change

Dear Ms. Snow,

This project was shown to meet the criteria for Section 140, Conditional Uses, Section 116, Planned Unit Developments and Section 176, Land Divisions, when it was originally approved in July 2004. In July 2005, in response to planning staff ( see attached PG 4 Final Plat) recommendations and suggestions, a request for a minor change to realign the private road to add an additional access point on Marina Heights Loop was requested and granted by the Planning Commission. In order to facilitate construction of this additional exit, improvements were required upon an adjacent property owners parcel, along with a current demand that guest and business traffic be denied through access by the parcel owner. At this time, significant delays in construction and failure to complete improvements by agreement with the adjacent property owner have jeopardized our ability to move forward and secure the original agreement. In the process of recording the Final Plat for the project, an easement was recorded to extend the spur road through to the right of way existing at the southern terminus, originally utilized as the emergency exit identified and approved at the time of the original approval for the project. We are requesting the Planning Commission approve this request to revert to the original conditional of approval recognizing the southern emergency exit as the required secondary exit required for the Planned Development

Our second issue we wish to present to the Planning Commission for adjudication is the removal of the water tank. The original approval contained the following exact language "No. 41 - A water tank shall be constructed in the location shown on the preliminary plat map and connected to the city's water system." As determined in the previous Planning Commission hearing of June, capacity levels of the existing tank were established to provide fire suppression storage capacity for use outside of this subdivision. To our surprise, the City staff initiated enforcement action with regard to the water tank, maintaining that the tank as constructed violated setback and possibly height requirements contained within the zoning codes. The tank site identified by the Commission for the location of a water tank has been constructed in accordance with the design requirements required by the City Engineer, construction commenced with city inspectors present at all times during construction and continued uninterrupted until complete. There is not sufficient square footage contained within the identified lot in

which to locate the existing tank, and meet the height and setback requirements. The location, size and dimension of the tank site identified by the Commission has not changed from preliminary approval to recordation of the final plat. City staff does not support the position that the existing tank as located and constructed had previously received approval from the Planning Commission.

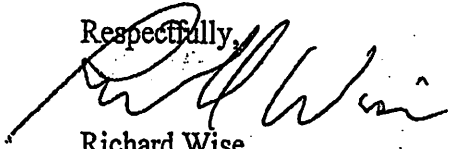
In addition, during the initial design period, on specific directions of the City Engineer, the water system design within the project, rerouted the water service for the lower 7 lots and directed that these 7 lots be served by the municipal water system from the lower water loop off Old County Road. Connection to homes outside the development was required to be incorporated into the final approved design. Clearly stated, the lower seven lots are not directly or indirectly connected to the water tank previously required to serve the subdivision. Remaining lots still needing water service can be supplied by existing water loops, and without the water tank, our redesign will still provide a better delivery service system by looping of the third pressure system servicing the existing homes on that system. We believe all remaining lots within the subdivision can be adequately serviced by the existing water system. Project Engineer TJ Bossard will be present at the hearing to provide responses directly for questions in addition to providing a redesign of the existing water system plan, installed piping, and connectivity to the existing loop water systems outside the development.

In the alternative, if the City of Brookings can demonstrate that the domestic needs for reserve fire capacity or pressure flows can only be sustained by the water tank remaining as constructed, or determines that the Planning Commission should modify the setback requirements within the PUD in accordance with Section 116.060(c) that the project will assure benefits to the city and the general public in terms of need, convenience, service and appearance sufficient to justify any necessary exceptions to the regulations of the zoning district and allow a modification to addressing the setback, height and location requirements.

We reserve our right to continue to pursue any and all potential resolutions both with the City Staff, Planning Commission, actions currently under review in Curry County Circuit Court, or any other legal or equitable rights or remedies and do not specifically limit this request as our sole or exclusive option moving forward on any single or comprehensive issue request contained herein.

Please place this issue on the October 17<sup>th</sup>, 2006 Planning Commission agenda.

Respectfully,



Richard Wise  
Operations Manager



**Bruce Bros. Inc.**  
P.O. Box 61  
Brookings, OR 97415  
CCB # 108497 (541) 469-9210

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

October 13, 2006

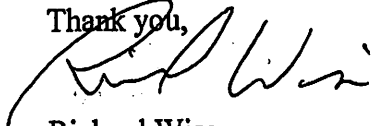
ATTN: Planning Director Diane Snow

RE: Pacific Terrace PUD 01-04- Minor Change - Pending

Dear Diane,

Please add to the minor change request the platting, identification and naming of the spur road inside the subdivision that fronts Marina Heights Road. A preliminary site map is attached. This request to add this item into the upcoming hearing is not to be deemed as a waiver of any rights or modification of our position with regards to Lot #15 or our right to proceed on this issue already pending in Curry County Circuit Court.

Thank you,



Richard Wise

A-4

**Bruce Bros. Inc.**  
P.O. Box 61  
Brookings, OR 97415  
CCB # 108497 (541) 469-9210

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

September 28, 2006

RECEIVED  
SEP 29 2006 CM  
CITY OF BROOKINGS

RE: Pacific Terrace PUD 01-04

Dear Ms. Snow:

This letter is in response to your letter dated September 22, 2006, which you explained was mailed on September 25, 2006. In your letter you explained that you returned our application for a minor modification because you found it incomplete.

Initially, I am not sure the City has the legal authority to reject an application. Under ORS 227.178, as I read it, the City can deem an application incomplete and advise the applicant of the specific material that is missing. The applicant then can elect to supply the information or advise the City that it is not going to supply the information, in which case the application proceeds to the decision maker as submitted.

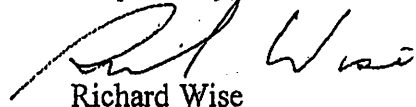
Second, you state that we must include a specific proposal and can not include two possible proposals. We find no language in the City code containing such a requirement. The Section on minor modifications is 116.110 and it does not recite that a request can not be in the alternative. We are informed by the City that the water tank does not meet zoning requirements. We constructed the tank in accordance with the directions of the City engineer, and cannot be located anywhere upon the property and meet the zoning requirements. The City engineer has reiterated that only that tank, that size, height and capacity in that location, will work correctly. We are attempting to correct the violation by removal. We believe the height of the tank to be 28± feet. In the alternative, we are requesting the Commission approve a minor change variation accepting the setbacks as determined by staff at 7 ± feet in the front, and determine the other setbacks meet the requirements of the R-2 zone.

Third, there is no need for us to submit a new site plan because neither of our requested changes will change the plat that is currently on file. The exterior boundary and all of the lot, streets and other tracts will remain as originally platted. Under such circumstances, section 116.110B merely requires text explaining the desired changes.

We are re-submitting our request for minor changes at this time and respectfully request that you set this matter for hearing before the Planning Commission. The meeting you arraigned but did not attend Wednesday morning was non-productive, as well as not for the purposes you state in your letter. The result of the meeting was no explanation of deficiencies requiring correction to consider the application complete, further frustration and exacerbation. The City Manager and Donna, the assistant planner, indicated the

application was incomplete, deferred the issue back to you, and only verified the code section in your letter was incorrectly referenced. Please indicate in writing what requirements or deficiencies you believe require correction, and I will collect the information for the package prior to the hearing.

Respectfully,



Richard Wise  
Operations Manager

Attachments- Original application  
Ck# 11821 \$980.00

A-6  
cm

RECEIVED  
OCT 10 2006  
CITY OF BROOKINGS

**Bruce Bros. Inc.**  
P.O. Box 61  
Brookings, OR 97415  
CCB # 108497 (541) 469-9210

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

October 10, 2006

RE: Pacific Terrace PUD 01-04

Dear City Planning Director Diane Snow,


In response to your email request raising the issue of ownership, and the ability of Noah Bruce to file a land use application, we respond as follows:

Under the City code the legal owner of property may apply for a land use application, or the applicant must have the legal consent of the owner. The application at issue is to modify conditions of approval that relate to a ~~single~~ tract of land that is owned by the applicant. The CC & R's recorded upon the property for the homeowners association and benefit may contain a procedure or mechanism for such transfer or conveyance to occur in the future, but I believe this to be irrelevant to the subject matter at hand.

*Attached  
@*  
In addition, we have received several requests to provide a water tank site plan, again. As this is not a new application, but a minor change request, I was under the belief that all documentation submitted previously to the city, related to the planned community would be included for this hearing. Otherwise, please accept this as our formal request to have all documentation previously provided and/or submitted at the June 15<sup>th</sup> Planning Commission hearing and for the August 28<sup>th</sup>, 2006 City Council hearing made available for the upcoming hearing. Numerous site plans specific to the tract upon which the water tank is located have been submitted and are in the file.

It appears that these repetitive requests for information already delivered are a continuing attempt to create an artificial impediment to the hearing process moving forward. If I am misunderstanding your intent, please excuse and forgive the suspicion. If there is anything required that is not in the record please inform me and we shall provide it in a timely manner.

Respectfully,

  
Richard Wise  
Operations Manager

Attachment- Joshua Bruce signature on application

A-7

BABIN & KEUSINK

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

P.O. BOX 1600 • 517 CHETCO AVE

BROOKINGS, OREGON 97415-0800

CHRISTOPHER KEUSINK

JOHN C. BABIN\*

\*ALSO LICENSED IN CALIFORNIA

(541) 469-5331 • FAX (541) 469-9865

May 19, 2006

*hand delivery*

John Bischoff  
City Planner  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

RE: **NOTICE OF APPEAL**  
Pacific Terrace PUD  
File No. PUD-1-04

Dear Mr. Bischoff;

I have received a fax (Exhibit 1) from Mr. Wilcox indicating his inability to respond to my letter of May 10, 2006 (Exhibit 2) which was hand delivered to the City of Brookings. Unfortunately, he states he did not receive the letter until May 15, 2006, even though it was hand delivered to City offices on May 10, 2006. Regrettably, the Bruce Brothers are unable to wait additional time for an explanation of the criterion for his decision and by this letter we are giving the City of Brookings a notice of intent to appeal from his administrative decision under Section 160 of the Brookings Land Development Code. A filing fee of \$75. is enclosed.

**BACKGROUND**

As you may be aware, the plans and product menu for the AquaStore water reservoir were submitted to the City and stamped received by Diane Snow on January 19, 2005 (Exhibit 3). Letters which can certainly be interpreted as "letters of approval" from Mr. Nored were received on January 6, 2005 (Exhibit 4) and January 20, 2005 (Exhibit 5). Footings for the foundation were constructed after City approval on February 6, 2006. Installation of the aquastore tank was begun on February 13, 2006 after inspection and approval by the City Building Department. After further submissions and approvals (Exhibit 6) construction was completed after further inspections and approvals by city staff on February 23, 2006 (Exhibit 7). At that meeting City staff offered no specific deficiency of the water reservoir. Representatives of the Bruce Brothers, including the undersigned, met with members of the city staff at City Hall on April 18, 2006 to discuss issues raised by the city staff with regard to the water reservoir. Failures to approve and delays by City staff concerning the water reservoir and other aspects of this development have placed the financial viability of this project in

serious jeopardy. This summary includes only a partial history of the events. Even to date there has been no response and the Bruce Brothers can not wait any longer for response to my letter dated May 10, 2006 and must appeal the administrative decision immediately.

### **BASIS FOR APPEAL**

#### **1. Planning Commission Has Twice Previously Approved Site for Water Reservoir**

When the Planning Commission approved the original PUD, on August 2, 2004 condition No. 41 specifically provided "a water tank should be constructed in the location shown on the preliminary plat map and connected to the city's water system. If the engineers determine that a different site is more appropriate, then a tank shall be constructed in that location".

In July 2005 the applicant applied to the Planning Commission for a minor change to the previously approved plan unit development. The application for the minor change was approved in August, 2005 the Planning Commission again approved the location of the water reservoir, this time based on the re-design Izaiha Drive. The site plan specifically showed the new location of Izaiha Drive, the new configuration of lot 29, and the placement of the water tank on the portion of lot 29 dedicated to public utilities was specifically shown on the site plan (Exhibit 8). The Planning Department had this detailed plan on July 11, 2005 (Exhibit 8). The findings adopted by the Planning Commission after its meeting on August 2<sup>nd</sup> specifically found "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 (Exhibit 9). Eight of the findings also modified setbacks for lots within the PUD, specifically for lot 29 and the lot for the water tower.

In fact, the conclusions specifically stated that the new internal street layout, which included the new design for lot 29 and the placement of the water tower" is a much better design than the originally approved system in that it provides two full access points to the project rather than one full access and one emergency access".

From these facts it is clear that the planning department and the planning commission approved the specific location for the water reservoir on the applicable lot on at least two separate occasions.

#### **2. Water Storage Tank is Correctly Designed**

The water storage tank, as it sits on its current location, is currently designed to meet minimum sufficient storage requirements to satisfy domestic and fire flow requirements for this development. The data providing the basis for the storage and flow requirements was presented to the City on earlier (Exhibit \_\_\_\_\_ to be sent).

NOTICE OF APPEAL

John Bischoff  
City Planner  
May 19, 2006  
Page 3

Mr. Nored's letter dated January 6, 2005, (Exhibit 4) from paragraph No. 11 acknowledged "project owners are currently finalizing their choices for the proposed water reservoir. Details will be provided under a separate cover." (See paragraph No. 11).

In Mr. Nored's letter dated January 20, 2005 (Exhibit 5) Mr. Nored acknowledged "we have worked with the design engineer on the separation of the two pressure bands (on the water tank), the pressures that are available to serve all lots in the proposed subdivisions". The letter further stated **"the system as proposed will function and meet City standards, and will serve the property well"**. (emphasis supplied).

Based upon these and other comments by the City and its staff, the applicant finalized plans for the water reservoir, and began installation in February 2006. It has been inspected by Dennis Barlow of HGE chronicle inspections on February 6, 15, 21, 2006. These inspections approval of the construction and installation at every step of the way.

For the Public Works Director to issue a letter dated May 2, 2006 requesting revised engineer plans for water storage reservoir appears to be absolutely incredible and inconsistent with the City Planning Department, Planning Commission, and the City Engineer.

### 3. Height Regulations

BLDC, section 132, provides exceptions to height regulations elsewhere in the land development code for water towers and tanks and other structures. Section 132.030 is clearly intended as a general and comprehensive exception to height regulations of all zones, see for instance BLDC 40.050E.

Section 132.030A provides for unlimited heights of water towers and tanks if they can meet certain conditions. If they cannot meet those conditions, Section 132.030B provides that height limitation of water towers and tanks shall be 1 ½ times the height limitations set forth in the applicable zoning district. Since height limitations in the SR zone is 30 feet, the applicable height limitations of this water tank is 45 feet. Even after repeated requests, the Public Works Director has failed to show that the water reservoir does not meet height requirements.

### 4. PUD Standards of Approval

Section 116 of the BLDC is applicable to this development since it was approved by the Planning Commission as a Planned Unit Development as File No. PUD-1-04. The purpose of section 116 is stated as follows:

"The purpose of planned unit development is to allow and to make possible greater variety and diversification in the relationship between buildings and open spaces in planned building groups, while insuring

NOTICE OF APPEAL

compliance with the purposes and objectives of the various zoning district regulations and the intent and purpose of these land development sections”.

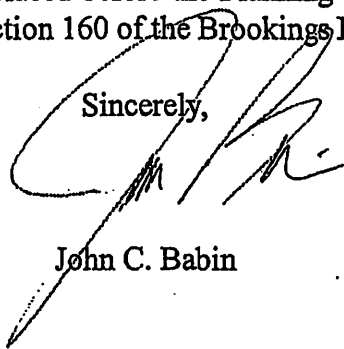
Section 116.080 provides:

“The planning Commission may authorize standards of site area and dimensions, site coverage, yard spaces, height of structures, distances between structures equivalent to the standards prescribed within the regulation for the district which the planned unit development is located.”

Unfortunately, the Public Works Director was not able to provide requested specifications citations to the BLDC which the water reservoir is alleged to have violated, but demanded instead complete reconstruction of the tank already in place. Reconstruction of the water tank seems to be a drastic remedy to be requested by the City, especially in light of the fact that the water tank that is now in place was constructed only after close consultation with city staff approval that has been document in letters from the City Engineer. There are numerous other documents in the file that showed that the City did approve the current design for the water tank and it has already been shown that the Planning Commission approved of its placement. Given this history, the Planning Commission should honor the flexibility of the planned unit development as provided in Section 116. The Planning Commission should authorize any flexibility that is required to allow the water tank to be approved as constructed.

Request is made that this matter be placed before the Planning Commission at its next available meeting for an appeal pursuant to Section 160 of the Brookings Land Development Code.

Sincerely,



John C. Babin

JCB:llh

c: client

NOTICE OF APPEAL



C. pg 2

A-11

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

In the matter of Planning Commission File No. PUD-1-04/MC-1; a request for a conditional use permit and subdivision to establish a Planned Unit Development; Bruce Brothers, LLC, applicant.	) ) ) ) )	Final ORDER and Findings of Fact
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------	----------------------------------------

**ORDER** approving an application for a minor change to an approved Planned Unit Development to add one additional "building envelope" lot, for a total of 29 lots; redesign the internal street system to provide a formal ingress/egress on Marina Heights Loop; and to allow the yard setback standards of the R-2 (Two Family Residential) Zone in lieu of those of the underlying SR-20 Zone, on a 13.43± acre parcel of land located adjacent to the easterly side of Old County Rd. and Marina Heights Rd.; Assessor's Maps 40-13-32CC, Tax Lot 1500 and 1700 with portions of Tax 300, Assessor's Map 40-13-32C; Zoned SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size):

**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 Section 116, Planned Unit Development Approval and Section 176.060, Major Partitions and Subdivisions; and

2. Such application is required to show evidence that all of the following criteria for a conditional use permit have 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; and

3. Such application is also required to show evidence that all of the following criteria for a planned unit development have been met:

- H-12-
- \* A. The applicant has, through investigation, planning and programming, demonstrated the soundness of his proposal and his ability to carry out the project as proposed, and that the construction shall begin within 12 months of the conclusion of any necessary actions by the city, or within such longer period of time as may be established by the Planning Commission.
- B. The proposal conforms with the Comprehensive Plan and implementing measures of the city in terms of goals, policies, location and general development standards.
- C. The project will assure benefits to the city and the general public in terms of need, convenience, service and appearance sufficient to justify any necessary exceptions to the regulations of the zoning district.
- D. There are special physical conditions or objectives of development which the proposal will satisfy so that a departure from standard zoning district regulations can be warranted.
- E. That the project will be compatible with adjacent developments and will not adversely affect the character of the area.
- F. The project will satisfactorily take care of the traffic it generates, both on and off-site, by means of adequate off-street parking, access points, and additional street right-of-way improvements.
- G. That the proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create major problems or impacts outside the boundaries of the proposed development site; and
4. Such application is also required to show evidence that all of the following criteria for a subdivision have been met:
- A. Conformance with the comprehensive plan, and applicable development standards of this code, and state and federal laws.
- B. Development of any remainder of property under the same ownership, if any, can be accomplished in accordance with this code.
- C. Adjoining property under separate ownership can either be developed or be provided access that will allow its development in accordance with this code.
- D. Conditions necessary to satisfy the intent of the land development code and comprehensive plan can be satisfied prior to final approval.
- E. The proposed street plan affords the most economic, safe, efficient and least environmentally damaging circulation of traffic possible under existing circumstances.
- F. The proposed name of the subdivision shall be approved by the commission, provided the name does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Curry County, except for the words "town", "city", "place", "court", "addition", or similar words unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name, or unless the applicant files and records the consent of the party who platted the subdivision

bearing that name and the block numbers continue those of the plat of the same name last filed.

G. The proposed name of a street in the subdivision shall be approved by the commission provided it is not the same as, similar to or pronounced the same as the name of an existing street in the same zip code area, unless the street is approved as a continuation of an existing street. A street name or number shall conform to the established pattern for the area.

H. Streets that are proposed to be held for private use shall be distinguished from the public streets on the subdivision plat, and reservations and restrictions relating to the private streets are established.

5. 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 August 2, 2005; and

6. 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 July 15, 2005 and oral presentation of same; and

7. 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 minor change 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**

The applicants' findings are the primary findings in this matter and are attached to and hereby made a part of this Final Order. The following are staff's supplemental findings.

1. The applicant obtained approval for a Planned Unit Development/Subdivision on July 6, 2004 to create 28 building envelope lots, a private street and common areas on a 13.9± acre parcel of land.
2. The approval of the project was based on criteria in Section 140, Conditional Uses, Section 116, Planned Unit Development and Section 176, Land Divisions, of the Land Development Code.
3. The subject property is zoned SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size) and is designated as Residential by the Comprehensive Plan.
4. The applicant has subsequently purchased two parcels of 3,600 sq. ft. and 2,940 sq. ft. that are adjacent to the subject property on the north but were originally outside of the city limits and have now been annexed to the city and included as a part of the subject project.

5. The private street system in the approved project consists of a gated access point in the northwest corner from Old County Rd. then a short two-way segment that then divides into a one-way loop. Another two-way segment extends southeast from the southerly most end of the one-way loop to an easement that extends through private property in a different ownership to Marina Heights Rd. This two-way segment ends at the easement and is gated for emergency access only.
6. The applicant is requesting a minor change to the approved project, which would add one additional building envelop lot, allow yard setbacks equivalent to those of the R-2 Zone rather than the underlying SR-20 Zone, and to realign the internal street system to provide for an access point on Marina Heights Loop and abandon the connection to the emergency access point at the easement in the southerly portion of the parent parcel.
7. Although both access points in the new street configuration will be gated, the project will have two fully accessible points of ingress and egress as compared to one fully accessible and one emergency access, in the originally approved design.
8. The R-2 Zone yard setbacks are 20 feet for the front yard and 5 feet for the side and rear yard. The side and rear yard setbacks increase by ½ foot for each foot over 15 feet of building height. The SR-20 Zone requires a 20 foot front and rear yard setback and a 10 foot setback for each side yard with no increase for building height. Maximum building height in each zone is 30 feet.
9. All of the applicable Conditions of Approval applied to the original approval are still in effect unless negated, deleted or changed by the supplemental conditions added through the approval of this minor change.

## CONCLUSIONS

1. The proposed project was shown to meet the criteria for Section 140, Conditional Uses, Section 116, Planned Unit Development and Section 176, Land Divisions, of the Land Development Code, when it was approved in July 2004. Therefore only the three elements of the requested minor change are considered in relation to those criteria.
2. The addition of one lot will not create a significant increase in the traffic generated by the proposed project. The addition does not increase the density beyond what would be allowed by the underlying zone for the same parcel size and will have no particular impact on the surrounding properties.
3. The new internal street layout is a much better design than the originally approved system in that it provides two full access points to the project rather than one full access and one emergency only access. The new design should add little or no additional traffic to Marina Heights Dr. because the Old County Rd. access provides the shortest route into town. The advantage is that the Marina Heights Loop access is not an emergency only exit and thus eliminates the concern for gate that must be unlocked manually in case of an emergency. The design provides a safer and more efficient internal circulation than that of the original approval.

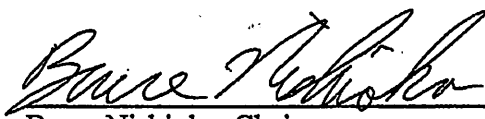
4. Yard setbacks are a flexibility that could be allowed in a PUD and are essentially a marketability issue, i.e. would you want to buy a house in this location with smaller setbacks and thus is a decision the applicant must, and in this case has made. However the neighboring properties in different ownership that must build under the SR-20 setback requirement should be given the same separation benefit. In this regard a condition of approval will require the lots adjacent to the non street boundaries of the project to meet the SR-20 side and rear yard setbacks from the boundary. With this condition of approval, the requested R-2 yard setback standards should impose no greater impact on the neighboring properties.
5. All of the applicable Conditions of Approval applied to the original approval are still in effect unless negated, deleted or changed by the supplemental conditions added through the approval of this minor change.

#### CONDITIONS OF APPROVAL

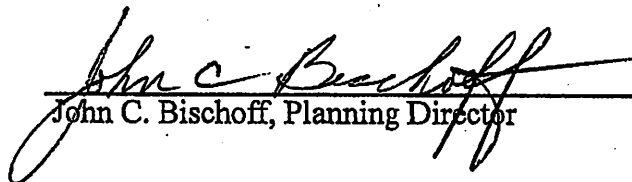
The conditions of approval are attached to this document and are made apart thereof.

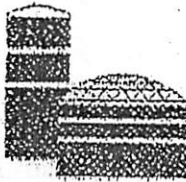
**LET IT FURTHER BE OF RECORD** that the Planning Commission approved the requested Minor Change.

Dated this 2<sup>nd</sup> day of AUGUST 2005.

  
Bruce Nishioka, Chairperson

ATTEST:

  
John C. Bischoff, Planning Director

**Aquastore NW, Inc.**

PO Box 1041, Canby, OR 97013  
23115 Airport Rd. NE, SP7, Aurora, OR 97002  
503.678.2533 Office - 503.678.2534 Fax

**RECEIVED**  
JUN 15 2006  
CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT  
Cm

June 13, 2006

Bruce Brothers  
2078 Wharf Street  
Brookings, OR 97415

Attn: Mr. Richard Wise

via fax 541-469-9230

RE: Brookings, Oregon

Dear Richard,

Confirming our telephone conversation of yesterday the tank installed on Marine Drive in Brookings is 30.77 feet in diameter and 28.43 feet in height. Total maximum capacity of this tank is 158,000 gallons. If the tank was to be lowered one ring (total of 55 inches) the eve height would decrease to 23.84 feet and the capacity would be 132,000 gallons. Removing a second ring, the eve height would be 19.26 feet and the capacity would be reduced to 107,000 gallons.

As previously discussed, in order to remove one ring we will actually have to remove two rings and then re-install the "tie-in" ring one sheet at a time. Likewise, to remove two rings we would actually have to remove three rings and then re-install the tie-in ring.

If we can be of further assistance, please do not hesitate to contact our office.

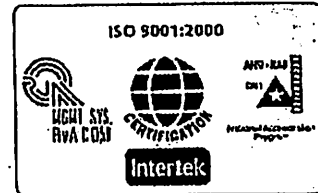
Very truly yours,

AQUASTORE N.W., INC.

Max Marcott, P.E.  
President

# ENGINEERED STORAGE PRODUCTS COMPANY

345 Harvestore Drive  
DeKalb, IL 60115-9807 U.S.A.  
815-756-1551 Phone, 815-756-7821 Fax



**Project Name:** BROOKINGS SUBDIVISION 31x28

**Project Location:** BROOKINGS, OR

**Dealer:** Aquastore N.W., Inc.  
PO Box 1041  
Canby, OR 97013  
Phone: (503) 678-2533 Fax: (503) 678-2534

**Project Number:** 8042865

**Project Rel. No.:** 1

**3128 SS Glassed**

**ESPC panel interior coating:**  
Vitrium fused glass with Edgecoat process.

**ESPC panel exterior coating:**  
Fused glass

**Shell Exterior Color:** Cobalt Blue

**Roof Exterior Color:** Cobalt Blue

**Date:** 7/27/05

**RECEIVED**  
SEP 30 2005  
CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT  
CM

This document consists of 25 pages.

<p>Submitted by:</p> <p>Date:</p>	<p>Date: 7/27/05</p>	<p>Date:</p> <p>Expires:</p>
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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 Deigo, P.E.  
Stephen R. Cox

## FAX TRANSMISSION COVER SHEET

**Date:** March 7, 2006  
**To:** Dennis Barlow  
**Fax:**  
**From:** Richard D. Nored, P.E.  
**Subject:** Bruce Bros. Pacific Terrace

YOU SHOULD RECEIVE SEVERAL PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 269-1166.

Dennis: Enclosed are some sketches of the arrangements and connections needed to finish the Pacific Terrace water system. First, in review of the pressure reducing vault, which I have enclosed, there is no bypass. This is because there is a loop in the lower 2<sup>nd</sup> high level system, and if the pressure reducing valve needs repair it can be removed and the system will still function with the valve out and turned off. Basically, under those circumstances the water would flow down Pacific Terrace Loop and back to Pacific Terrace Drive below the PRV. I have also enclosed a copy of the intertie to the existing system at the lower end, ~~where we have three cross connections that will need to~~ be switched onto this 2<sup>nd</sup> high level system, and off of their current service from 3<sup>rd</sup> high level. Finally, I have enclosed the only detail I have of the potential vault that will be needed to control water to the reservoir. We have not received design for this control valve at this time.

Steve is sending you the procedure for disinfection of the reservoir.





## City of Brookings Public Works Department

898 Elk Drive

Brookings, OR 97415

Phone: 541.469.1151

Fax: 541.469.3650

### Fax Cover

To: John C. Babin	From: Don Wilcox, PE <sup>2</sup> , DEE <i>(DTE)</i> dwilcox@brookings.or.us
Co: Babin & Keusink	# of pages: (Including cover sheet): 1
FAX: 541.469.9865	Date: Monday, May 15, 2006

☐ CONFIDENTIAL ☐ FYI ☐ Please Comment ☐ Please Reply ☐ Please Call

#### RE: Letter dated May 10, 2006 concerning Pacific Terrace

I am in receipt of the above referenced letter. I received it today, May 15, 2006. Your 48 hour response time from the date of delivery request is not sufficient for staff to review and respond given that the deadline you requested would be on a Sunday, however every effort will be made to respond in full forth-with given the importance of timeliness of these matters to your client. I did verbally discuss and give further details concerning my letter dated May 2, 2006 to Mr. Bruce on Thursday, May 9, 2006.

# CITY OF BROOKINGS



May 2, 2006

Richard Wise  
Bruce Bros. Inc.  
PO Box 61  
Brookings, OR 97415

**Re: Pacific Terrace**

Dear Mr. Wise:

We have received on April 24, 2006 and performed a preliminary review of sheet 9 of 32 of the plans titled PACIFIC TERRACE P.U.D. ON-SITE IMPROVEMENTS - AS BUILT prepared by T.J. Bossard, Inc. dated 3/6/06 and sealed but not signed by the Engineer.

Based on the information provided in the above referenced submittal, the water reservoir is not in compliance with the Zoning requirements outlined below:

**ZONING REQUIREMENTS FOR THE WATER TANK AT PACIFIC TERRACE**

- The property is located in the SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size zone).
- The SR zone requires a 20 foot front and rear yard setback and a 10 foot side yard set back.
- The setbacks do not change with building height.
- Maximum building height in the SR zone is 30 feet.
- This applies to all structures.
- Under the provision of Section 132.030 Exceptions to building height, of the Land Development Code, a water tank can be up to 45 feet high but requires a 50 foot setback on all sides at any height above 30 feet.

Please submit revised Engineered plans for a water storage reservoir that can be constructed in compliance with Zoning Requirements and provide sufficient storage required to meet minimum domestic and fire flow requirements for this development.

Sincerely,

Donald Wilcox, PE  
Public Works Director

~~Attachments~~

c: John Babin, Dale Shaddox, Bill Sharp, John Bischoff, file

4-21

BABIN & KEUSINK

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

P.O. BOX 1800 • 517 CHETCO AVE  
BROOKINGS, OREGON 97415-0800

CHRISTOPHER KEUSINK

JOHN C. BABIN\*

\*ALSO LICENSED IN CALIFORNIA

(541) 469-5331 • FAX (541) 469-9865

May 10, 2006

*Hand Delivered*

Donald Wilcox  
Public Works Director  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

RE: Pacific Terrace

Dear Mr. Wilcox;

Your letter specifies the zoning requirements for the water tank and concludes that the "water reservoir is not in compliance with the Zoning requirements." Your letter does not specify in what respects the water tank is not in compliance with the requirements that you specify. Please specify the manner in which the water tank does not comply with the Zoning requirements. For instance, what height did you determine the water tank to be? Does the height of the water tank violate the maximum building height in the SR zone? Does the water tank violate any setback requirements? If it does violate setback requirements please specify in detail which setback requirement is violated. Until you specify the basis of your decision, the applicant cannot determine whether your decision can or should be appealed pursuant to section 160 of the Brookings Development Code.

Reconstruction of the water tank seems to be a drastic remedy to be requested by the City, especially in light of the fact that the water tank that is in place now was constructed only after close consultation with City staff. There are numerous documents in the file that the City did approve of the current structure for the water tank. Given this history, the applicant is surprised that the City is not proposing an amendment to the conditions of approval to accommodate the existing structure.

Has the City in fact considered an amendment of the conditions of approval? You should be aware that the Land Development Code provides for relaxed standards for a planned unit development, which this subdivision is. Specifically, Section 116.030C provides that the requirement standards, and criteria of the underlying zone classifications shall be used as a guide in determining the proposal's compliance with the purposes and the intent of the land development code. Has the City staff considered such an amendment to the conditions of approval? The applicant is certainly entitled to an explanation of this consideration by the City.

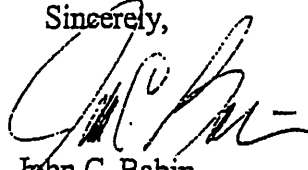
A-22

Mr. Donald Wilcox  
Re: Pacific Terrace  
May 10, 2006  
page 2

Finally, you have requested revised engineered plans for the water storage reservoir. You have requested that the revised plans show that the reservoir can be constructed in accordance with zoning requirements that provide sufficient storage required to meet minimum domestic and fire flow requirements. You have provided reference to the zoning requirements in your letter. However, you have not specified the storage requirements to meet minimum domestic and fire flow requirements. Please specify these flow requirements.

This letter is being hand delivered to the City of Brookings offices. Please provide a response to this letter within 48 hours of delivery. If you cannot provide a response within that time, please contact the undersigned immediately.

Sincerely,



John C. Babin

pc: client

Dale Shaddox, by hand delivery  
John Trew



ARCHITECTS  
ENGINEERS  
SURVEYORS  
PLANNERS

375 PARK AVE  
COOS BAY  
OREGON  
97420

541.269.1166  
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CELL 541.404.3791  
rnored@hge1.com

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

January 20, 2005

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Attn: Ed Wait  
Community Development Director

Re: Pacific Terrace PUD  
Project No. 01.30

Dear Ed:

In follow up to your request for additional clarification on my January 6, 2005 review of the Pacific Terrace PUD project, we provide the following in response to questions provided by e-mail.

**General Responses. Item 4.** In review of the submitted plans, it appears possible to construct both water and sanitary facilities in streets provided by the PUD, rather than extending lines through individual properties. The issue is access for maintenance, and City staff need access not only for periodic maintenance, but eventually replacement or corrective action for failures that could develop over time. In review of the developed plans, it appears that location of all sewers in the streets will involve less than 200 feet of additional sewer construction, and there will be no need for individual easements. The water plans are proposed in streets to be provided by the PUD, and need to be looped for fire protection.

**General Responses. Item 7.** The submitted plans did not address Section 100 and the requirements under 100.050. The ordinance is intended to be site specific, and the Busch geotechnical report proposes to provide separate geotechnical reports on the lots with concern. T.J. Bossard, Inc. proposed to develop specifics for compliance with Section 100 on individual sheets, and this would be acceptable as proposed. The original plans did not provide the requirements of Section 100.050.

**General Responses. Item 8.** There are retaining walls proposed adjacent to developed streets. While there may be some issue with review of PUD facilities that will not be dedicated for the general public, the City has always provided review for street improvements as well. My reference to sidewalks basically is to address removal of sidewalks from the Conditions of Approval. I believe the intent was that no sidewalks were required, but references in the Conditions of Approval could be misinterpreted. The Conditions should probably be corrected while the original intent is clear in the minds of all parties.

**Water. Item 6.** We have worked with the design engineer on separation of the two pressure bands, and the pressures that are available to serve all lots in the proposed subdivisions. They are labeling the 3<sup>rd</sup> high level system supplying water from Marina Hts as the fire system, when in reality it will serve both fire and domestic water to lots

high up on the hill. The system as proposed will function and meet City standards, and will serve the property well. We are simply asking the developer to relabel the fire system as 3<sup>rd</sup> high level, which it is, and to connect 2<sup>nd</sup> high level to the existing line through the short street existing off of Marina Heights. For clarification, the existing hydrant in the street could remain rather than replaced with the proposed hydrant, and the developer could simply make a short connection to existing facilities, initially connecting the two systems with a valve. (Chief Sharp would need to agree with allowing the existing hydrant to remain.) This approach would remove the existing homes from the very high pressure 3<sup>rd</sup> high level system at this location for the existing homes, and relocate the houses to the 2<sup>nd</sup> high level system.) In addition to pressure, this approach would ~~provide reservoir storage for the existing homes,~~ and would transfer capacity in the 3<sup>rd</sup> high level system to the few 3<sup>rd</sup> high level users that will need service in Pacific Terrace PUD. With this approach, City staff or the City Engineer should schedule a meeting with the existing affected property owners to explain the benefits to a change in service before valving is utilized to change their high level service area.

**Water, Item 9.** ~~Expressed comment concern with fire protection.~~ This comment was made to remind Chief Sharp of the limited fire protection available in the existing 3<sup>rd</sup> level water system for Marina Heights. My comments are not intended to indicate ~~that the system doesn't meet the needs of the population.~~ The fire chief needs to review and approve plans for hydrant placement. My point with storage for the 3<sup>rd</sup> high level system is that it is limited. Storage for 3<sup>rd</sup> high level is existing, and this developer is doing his part by installing new reservoir storage for the 2<sup>nd</sup> high level system. In addition, when the homes on the existing short street are connected to the 2<sup>nd</sup> high level system, those homes will be taken off the 3<sup>rd</sup> high level system and the limited storage. Homes in the upper reaches of this development are limited, and they will have the potential for fire protection from both the 3<sup>rd</sup> high level system and the 2<sup>nd</sup> high level system if necessary, even though water from the 2<sup>nd</sup> level system would need to be pumped by the fire engines. This comment is to secure approval from the fire chief, although I don't believe it makes the situation any worse than what currently exists.

**Water, Item 10.** This comment involves changing the designations of the service zones within the PUD for clarification. I believe this is self explanatory from the discussion under water, item 6. All parties need to be aware that there are two water mains in the same street, and future construction needs to be careful which is utilized for new home construction. If possible, it would be a good idea to utilize two different colors of water pipe materials for the 2<sup>nd</sup> and 3<sup>rd</sup> high level systems in this area, such that future connections would be aware of the differences.

*How to identify - dual tape*

**Water, Item 18.** The plans as submitted leave a dead end line on the 3<sup>rd</sup> high level system. This requested modification suggests that they install a pressure reducing valve at the end of the 3<sup>rd</sup> high level system, interconnecting it with the 2<sup>nd</sup> high level system so we have a limited flow for maintaining water quality.

**Sanitary Sewer, Item 2.** This item is a portion of the original concern addressed under General Responses, Item # 4, relating specifically to sanitary sewers. This issue is discussed under the explanation above.

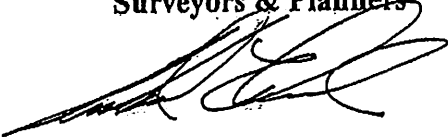


If you have concerns in any portion of our responses, or in the requested plan modifications, please let me know. We are also available for on-site discussions in Brookings, or in our office, at your discretion.

We appreciate the 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. LeRoy Blodgett, City Manager
- John Bischoff, Planning Director
- John Cowan, Public Works Supervisor
- Laura Lee Gray, Building Official





ARCHITECTS  
ENGINEERS  
SURVEYORS  
PLANNERS

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mored@hge1.com

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

January 6, 2005

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Attn: Ed Wait  
Acting Community Development Director

Re: Pacific Terrace PUD  
On-Site Improvements  
Project No. 01.30

Dear Ed:

We have reviewed the response to our December 10, 2004 correspondence, although plans were not submitted to address any of the requested changes. Since the response is extensive, we have attempted to address each issue on the same form as the original, and with a similar numbering sequence. The italics indicate the December 17, 2004 response from T.J. Bossard, Inc., and the bold comments indicate where how we believe each comment should be addressed:

**General**

1. All plans shall be prepared on separate plans, with plans and profiles as addressed in General Engineering Requirements. Separate plans and profiles shall be prepared for water, sewer, and streets and drainage. Profiles shall be prepared for all plans. *Although we recognize the intent of your General Engineering Requirements section, we felt it appropriate because of the limited amount of storm drainage facilities to list all plan and profiles on the same sheets. Less than one-half of the profiles have only one utility shown, and we request that only areas of "congestion" of multiple utilities will be provided with multiple profiles for clarity.* **Separate Plans and profiles for each utility will be required in order that as-builts of each infrastructure can be provided and understood readily by maintenance staff. Separate plans and profiles will be required for each, as stipulated in the Brookings General Engineering Requirements.**
2. Match lines shall be provided on every sheet of every plan. The current plans are very difficult to review, with a lack of match lines. *We have corrected and installed match lines on all plans and profiles as requested.* **This will be reviewed when submittals are received.**
3. All writing on plans shall be provided to read from the bottom or right side of each plan and profile. *Apparently you are referring to the Plan view on "Zoe Drive" on Sheet 10 of 30 which has already been corrected. No other lettering formats that we know of needs correction. Sheet 7 also needs to be corrected.*
4. Public facilities need to be constructed in street R/W wherever possible to facilitate maintenance. This will be a requirement for water and sanitary sewer facilities, and for drainage facilities if ownership and maintenance is to be provided by the City of Brookings. *The storm drain and sanitary sewer public facilities shown that are not within a public right of way appear six times on our plans. In each case we feel that these routes are the most efficient and effective methods to transport*



17-21

either storm drain or sanitary sewer to outlets off-site. In each case we have positioned the manholes and cleanouts within driveways or private drives of the project. Therefore, the only elements of the facilities not within the public right of way are sections of the corresponding utility lines between the accessible manholes. Our layout both minimizes lines and provides the most direct routing of these utilities to the collection systems, while still adequately providing for maintenance. Public facilities should be constructed in public R/W wherever possible. In our review this does not appear to be a significant requirement, based on the length of lines required to install the facilities in public R/W. Brookings has a limited maintenance staff, and needs access to all public facilities that will require future maintenance.

5. Plans received in this office included two sheet 7's, and no sheet 6's. We have enclosed the correct sheets as requested. The plan submittals were received and have been reviewed.

6. No electrical or signing plans have been received. Electrical plans showing servicing of the overall property from Coos-Curry Electric will be submitted to you under separate cover. Please respond as to your requirements for "signage". We need submittals for stop signs, parking, and traffic control plans. Specific requirements were provided in the Conditions of Approval.

7. Most of this property falls within Section 100 requirements. The grading plan is insufficient. All requirements of Section 100 must be provided as required by the Brookings Land Development Code, including geotechnical engineering for all affected parcels. We will review Sections 100 and provide your office with the additional requirements in 8 1/2" x 11" format or contained upon these plans under separate cover. We have also just received the road report from Busch Geotechnical and have included that with this submittal. The grading plan has been received and reviewed. The grading plan must address all requirements of Section 100, incorporating information supplied by the geotechnical consultant.

8. Stipulations in the Conditions of Approval for restrictive covenants address sidewalks. If sidewalks are required, plans must be modified accordingly. All streets on-site are private and as part of the tentative plat approval, no sidewalks are required. As an alternate, you will note that we have provided a pathway system throughout the project to accommodate pedestrian traffic. Also, no sidewalks were required on Old County Road section as we indicated on our previous separate submittal for off-site improvements. We believe this was the intent, but the restrictive covenants do address sidewalks, which should be corrected to the satisfaction of all parties.

#### **Water**

1. The interconnection to the existing main in Old County Road is not indicated on these plans. In addition, the off-site plans for this project showed the waterline in Old County to be 6", when in reality it is either 8" or 10" at this location. We will show clarification of sizing and connection on our revised submittal. This is agreeable, provided that sizing and location are corrected.

2. Ownership of proposed utilities will be a concern that has not been addressed. Water and Sanitary Sewer facilities shall be transferred to the City of Brookings for ownership, operation, and maintenance. On-Site Drainage can either be transferred to the City of Brookings, or maintained by the private homeowner's association. All water and sanitary sewer will be dedicated to the public unless otherwise shown on the drawings. The drainage channel as



depicted on both plans and as shown on Detail "A" shall be private. Private on-site drainage shall be operated and maintained by the Homeowner's Association. It is understood that drainage will not become a responsibility of the City of Brookings.

3. Existing water line location in Old County Rd. are not correctly shown as constructed. As-Built location shall be indicated on final plans. The existing water line shown in Old County Rd. is per the locates performed by the City of Brookings Public Works Department. ~~Whereas an apparent error in the locates, done on this waterline.~~ We will show the current locations as part of our corrected submittal. This approach is acceptable.

4. Plans need to indicate what is existing and what is proposed. We will show clarification of existing and proposed features on our revised submittal. This approach is acceptable.

5. The water System for 2<sup>nd</sup> high level needs to be looped for fire protection. Please provide your preferred location for this loop connection. Pacific Terrace Loop and Pacific Terrace Drive to point of intersection, and Pacific Terrace Drive to existing 8" line in emergency access route.

6. The 2<sup>nd</sup> high level water needs to be extended through this development, and connected to the existing 8" waterline in the emergency access road. When facilities are complete, the City of Brookings should isolate this section of main from the 3<sup>rd</sup> high level water system to provide fire protection from the new reservoir for existing homes in this area. (This should be reviewed by City staff.) It is our understanding that providing this connection would expand the original design of the 2<sup>nd</sup> high level water system with the additional services of the existing properties currently served by the 3<sup>rd</sup> high level system. Although this connection is feasible our client would expect some participation from the effected properties in the sharing of the additional costs associated with this expansion. The City of Brookings and the developers of Marina Heights provided the existing system which is providing water service to this development, at no cost to this developer. In review of developed plans, tie outs of the existing waterline are not evident, but the requested interconnection appears to involve approximately 50' of piping. It may be possible to save a fire hydrant, since one exists at this location. No participation from other sources is justified. This approach also removes the existing houses from the 3<sup>rd</sup> high level system, and allows capacity for the 3<sup>rd</sup> high level system to directly serve 3<sup>rd</sup> high level users in this development.

7. Single water meters should be located on the property to be served. Double water meters should be located on the property line of lots to be served. Submitted plans appear to reflect this condition. Please specify areas of concern. Although it is very difficult to follow the existing plans with all of the utilities existing on each sheet, it appeared to us that one or two homes were not served. When revised plans are completed, please verify that each lot is connected to the water system.

8. Some lots do not appear to be receiving water under the submitted plans, and this will need to be corrected. Submitted plans appear to reflect this condition. Please specify areas of concern. Please note comments for item (7) above.

9. Fire hydrant placement must be reviewed and approved by the Fire Chief, and the Chief should accept the fact that fire protective water for the 3<sup>rd</sup> high level system is limited to 23,000 gallons of storage. Fire hydrant placement will be reviewed and approved by Fire Chief. Acceptable. Fire Chief Sharp will need to make provisions for limited storage in the 3<sup>rd</sup> high level system.



10. For clarity, the labeling for the fire water system should be changed to 3<sup>rd</sup> high level water system. *Please clarify on this comment. It is our understanding that the fire water system and domestic system line from the water reservoir is actually the 2<sup>nd</sup> high level system, not the 3<sup>rd</sup>. The system planned for service from the new storage reservoir will be 2<sup>nd</sup> high level. The line indicated as the fire water system is serving water from 3<sup>rd</sup> high level, and needs to be indicated as such for future personnel, particularly since plans call for two water lines and two service zones in the same streets.*
11. Details for the water reservoir, and controls for operation, must be submitted for review and approval. *Project owners are currently finalizing their choice for the proposed water reservoir. Details will be provided under a separate cover. Acceptable. We suggest that the choice be distributed prior to final design to make certain that all parties are in agreement with the project owners decision. Wood and fiberglass reservoirs are not acceptable options.*
12. All taps into existing water mains must be provided with valving. *We will show clarification of water tap valving on our revised submittal. Acceptable.*
13. All tees and crosses must have valves in accordance with Brookings Standards. In addition, maximum valve spacing will be limited to 1000 lf. *We will show clarification of water valving at tees and crosses on our revised submittal. Acceptable.*
14. All fire hydrant assemblies must be furnished with valves. *We will show clarification of fire hydrant valving on our revised submittal. Acceptable.*
15. We need an overall plan showing the design concepts for the water system. *Please clarify on this comment. A cover sheet specifically for the water system needs to be developed showing the various pressure levels and all proposed water lines.*
16. Spell out what WSO is a reference to. *Please refer to the legend for clarity. If this was covered in the legend, there would be no need to spell it out. Maybe this will appear in the revised submittal.*
17. Geotechnical engineering and recommendations must be provided for the proposed reservoir site. *Similar to item 11, geotechnical engineering and recommendations will accompany the details of the water reservoir under a separate cover. Acceptable.*
18. The 3<sup>rd</sup> high level system should have a pressure reducing valve and vault installed to circulate water back into the 2<sup>nd</sup> high level system. This will provide circulation from the dead end of the 3<sup>rd</sup> high level system. *Please clarify on the location of the items noted in this comment. This should be at the end of the 3<sup>rd</sup> high level system (fire system) at station 8 + 10.45.*

#### **Sanitary Sewer**

1. Sizing for the proposed sanitary sewer line on Marina Heights is not indicated on plans. *Please see previous submittals entitled "Off-Site Improvements" dated 9/27/04 for details relating to Marina Heights Road. This was the concern, since a request was made on this review to increase the line size in Marina Height Road. The plan should designate 10" pipe.*
2. Sanitary sewers should be located in streets rather than in easements, for maintenance purposes. *All sanitary sewer structures will be located within a private street or driveway and will be accessible for maintenance. All sanitary sewer lines will be located within the private street right-of-way or within an easement to ensure adequate access for maintenance. We*



recommend that sanitary sewers be located in proposed streets, wherever possible, for maintenance purposes by the City of Brookings. This will require redesign, but does not appear to be a major expenditure, and City staff need access to constructed facilities for long term maintenance.

### **Storm Drains**

1. Underground drainage on Old County Road shall be an integral portion of this development, either as on-site or off-site improvements. A drainage system analysis shall be performed with recommendations for sizing of Old County Road and all other drainage improvements on this site. The drainage analysis shall be submitted with final construction plans. *In our previous discussion we established that neither the Conditions of Approval or the Brookings Storm Drainage Master Plan require underground storm drain improvements in Old County Road. We have enclosed an addendum to our original hydrology analysis which quantifies the storm water runoff to Old County Road. This runoff is minimal and can easily be accommodated by the proposed ditch shown in our previous submittal for "Off-Site Improvements".* Condition 23 of the Conditions of Approval stipulate that all street improvements shall include any required underground storm drain facilities. Condition 37 of the same conditions requires that all storm drains shall be installed pursuant to the provisions of the Standard Specifications document. Item 40 of the identical conditions stipulates that all sanitary and storm sewer plans shall be approved by the City Engineer prior to construction and all construction shall be carried out as approved by the City Engineer. The Comprehensive Plan for Storm Drainage Development for the City of Brookings was adopted in 1985, long before this development was contemplated. The adopted plan provided for a new 24" storm drain from Marina Heights South, but this is no indication that future facilities would not need to provide underground storm drainage. Recommendations of the plan was for underground facilities throughout the City, and this development is not unique in a manner that would not provide underground drainage. Engineering Requirements for Construction Plans clearly indicate that storm drains will be underground, and no references are made to roadside ditches. This policy has been followed in the City since 1988. Original recommendations should remain a requirement for this development.

2. Topography for the areas surrounding Old County Rd. drain to the existing, and shall be collected and carried underground in new drainage on Old County Rd. *Please see response to item # 1 above. Please note our response to item (1) above.*

3. Proposed storm drains should be moved into streets if maintenance is to be accepted by the City of Brookings. *All storm drainage elements within the streets will be turned over to the City of Brookings for maintenance. All other storm drainage facilities as shown on the plans will be operated and maintained by the Homeowner's Association. This is acceptable.*

4. All drainage improvements shall be provided in underground drainage facilities as provided in General Engineering Requirements and the conditions of approval. *All public storm drainage improvements shall be in conformance with the general engineering requirements for the City of Brookings. We agree. Before we will recommend approval of the construction plans, all storm drainage improvements will be in compliance with the General Engineering Requirements and the Conditions of Approval.*



4-21

5. Details and dimensions of the detention pond will need to be provided for the proposed detention pond. *The general details of the detention pond are shown on Sheet 24 of 30. The overall volumes are shown and the specific details beyond those shown on the plans will be as a part of construction and will be included on the as-built drawings.* Construction plans will be completed before we can recommend approval of construction plans. The City should not allow plans to be developed during construction and noted in as-built drawings. It is time for quality plans developed in a manner that we can readily see what is planned, complete with dimensions and details. Modifications during construction will require approval **before changes are made.**

6. Maintenance of the proposed detention pond will need to be provided in an agreement, by the Homeowner's Association. *Maintenance and operation of the storm drain detention will be provided for in the Homeowners' Association CC & Rs and bylaws.* The CC & R's should be submitted for review prior to construction plan approval.

### ***Street Improvements***

1. Compaction requirements on Page 1 should stipulate which standards apply. Standard Specifications require compliance with AASHTO Standard Method T-180, Method A. *Specifications for compaction will be included in the general notes.* We will review specifications when they are presented.

2. Design calculations and details will need to be provided for all proposed retaining walls. Calculations for all retaining walls as a part of this design shall be provided under separate cover. *Typically those outside of the right of way are provided as a part of the Building Department permit requirements and we have in the past provided them directly to the Building Department as required by the City.* Calculations and details for retaining walls in proposed streets will be required before approvals will be recommended for construction. Individual property owner walls can be directed to the Building Department for required permits.

3. The typical private street design does not match the street designs provided. Plans need to be consistent. *Please clarify the inconsistency between the private street section and the plans to which you refer.* The typical private street section was misread, and is acceptable.

4. Plans for removal of the bank on Lot # 1, as addressed in the Conditions of Approval, shall be provided. *The improvements to removal of the bank on Lot 1 have been provided to you under previous submittals entitled "Off-Site Improvements" dated 9/27/2004.* We previously reviewed the "Off-Site Improvements, as requested, for water and sanitary sewer installations. Revised "Off-Site" plans printed on 12/29/04 will be reviewed in the near future.

5. The conditions of approval stipulate that location of all water and sewer laterals is to be noted on the curbs. We presume that curbs are not being provided, but some means of indicating location needs to be provided, preferably in concrete. *Concrete monuments shall be provided for all sewer and water laterals in accordance with the detail shown on Sheet 30.* This detail has not yet been submitted.



A-32-

Only one set of plans were submitted to this office for review, and we are maintaining the copy for record purposes in this office. Please contact me if you have any questions, or if you would like us to reproduce the plans for delivery to the City of Brookings.

We appreciate the 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. LeRoy Blodgett, City Manager
- John Bischoff, Planning Director
- John Cowan, Public Works Supervisor
- Laura Lee Gray, Building Official



H-32

Bruce Bros. Inc.  
P.O. Box 61  
Brookings, OR 97415  
CCB # 108497 (541) 469-9210

City of Brookings  
898 Elk Dr.  
Brookings, OR 97415

June 21, 2005

Attn: Ed Wait  
Community Development Director/Planning Director

RE: File No. PUD-1-04  
Pacific Terrace P.U.D.

Gentlemen,

Attached please find the final engineering foundation calc's for the water tank. Final lot line adjustments are recorded and complete. A recorded copy of the approved final map will be delivered to your office when released by County Surveyor Floyd. We anticipate this to be received in your offices from First American tomorrow. We believe this renders your letter of June 9 mute. Separately, we must be present at the next planning commission hearing, as an extension for the conditional use permit is on the docket and no time remains for an additional time extension.

Your attention and response is greatly appreciated. Thank you for your time, assistance, and patience.

Sincerely

  
Richard Wise

RECEIVED  
JUN 21 2005

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

**Bruce Bros. Inc.**  
P.O. Box 61  
Brookings, OR 97415  
CCB # 108497 (541) 469-9210

City of Brookings  
c/o Acting City Manager Paul Hughes  
898 Elk Drive  
Brookings, OR 97415

September 30, 2005

RE: Pacific Terrace PUD

Via Certified US Mail

Dear Mayor, City Council and City Manager,

Please excuse and forgive the sense of urgency that drives our desire to complete and accomplish the task at hand, namely, the subdivision at Pacific Terrace. What response should staff expect, when time and again repetitive requests for submittals are met with our reply that such request have already been addressed, and we subsequently provide the "City's" approved documentation back to you. Today, in what we can describe only as an absolute shock, we add to the litany of insults, the discussion at site plan where we (Noah and I were both present) are insulted by Mr. Bishoff and referred to as "these idiots are like trying to train a rock" amongst other rude and unprofessional comments, along with derogatory references about other contractors. Is it not the role of City staff to review and assist the public with submittals and requests, along with guiding the public through the maze of the bureaucracy, not becoming the speed bumps in the road. We believe in is wholly inappropriate for staff to inform our office that 10 days following final approval before the Planning Commission, a site visit is to be conducted to bring new staff up to speed, along with any other changes as may be required prior to the signatures being provided on the final plat. Equally insulting, are the repetitive remarks made by staff, who seem to be unfamiliar with their own requests, with responses already contained within their own files, but an eagerness to deny and find humor and delight at the invention of new and creative excuses to cause further delay. Specifically, the remarks that the City had yet to receive the water tank information, when an approval of design had been provided to the City and approved by the consulting city engineer, in January 2005. Derogatory repetitive comments by and amongst staff that Bruce Bros. always claims to have something submitted, we challenge the staff to identify one instance to reinforce such statements. We are perplexed that staff would continue to challenge the veracity of our statements, without identifying any evidence of where a false claim has been made. Such continued remarks perpetuate the mistrust by others, does irreparable damage to our professional reputation and our public image. Conspiring staff inappropriately create unrecoverable delays which have a devastating financial impact upon our operations. We believe the current conduct of some city staff deserve reviewed by the Council and Mayor, and the appropriate admonishments issued, and an apology to Mr. Noah Bruce,



who should not have been insulted by staff who hold a position of power and authority over developers and contractors alike. We further wish to question the role of staff, in rebuking the authority of the Planning Commission, by suggesting substantial deviations from the approved final map after a final vote by the Commission. Additionally, we further call into question the policy of conducting site plan review in private, while projects and individuals are berated without the opportunity to defend or correct misstatements concerning their projects and profession. We call for a change in policy, one which should allow these meetings to be open to the public, or at the least to include the individuals and or representatives of agenda items to be discussed.

We wish to point out that no inflammatory remarks from the building inspector or senior planner were overheard. In fact, Ms. Gray and Ms. Snow immediately offered Noah an apology and comments of how embarrassing the statements of co-workers during the meeting were received, and telephoned an apology to Joshua Bruce this morning.

We have forwarded this letter to our outside legal counsel with a request this issue be pursued further. We look forward to receiving your response.

Respectfully,

Richard Wise  
Office Administrator

H-38

**Bruce Bros. Inc.**  
P.O. Box 61  
Brookings, OR 97415  
CCB # 108497 (541) 469-9210

**RECEIVED**  
OCT 11 2005  
CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT  
October

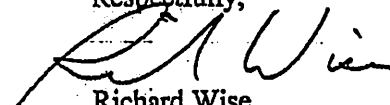
City of Brookings  
c/o City Manager  
898 Elk Drive  
Brookings, OR 97415

RE: Pacific Terrace PUD

Dear City of Brookings Building Department,

Yesterday in conversation with City Engineer Richard Nored PE of HGE Engineering, the color of the water tank to be installed was discussed. The tank, as originally ordered is cobalt blue, and for the first time the subject was mentioned that the color should be green. After much conversation with the design engineers and further discussion with the factory, this belated request cannot be altered. The tank is already in the manufacturing process and the color is fused with the steel during production. The finished product is designed to be graffiti resistant and can be cleaned with the appropriate solvent. We wish to reiterate, that the original contract was delivered to city staff prior to Bruce Bros. Inc. entering into a contractual relationship for approval of design and specifications. The manufacturer will not be producing green as a color until the second quarter production runs of next year, in addition to the substantial increase in costs of raw materials from the time the original purchase order was accepted last July. In short, we find the detail of this oversight and subsequent responsibility to rest squarely within the ranks of the City of Brookings, to place any change order at this late hour would significantly delay the project and we will not bear any increased cost associated with such a change. I have been in communication this morning with Max Marcott, President of the Aquastore NW Inc., the water tank supplier, and given assurances that Bruce Bros. will not breach the current contract and our company can be relied upon to provide payment as required for the tank and will recognize our financial obligation for payment. This is an extremely urgent matter and any further discussion on this topic must occur immediately. Please contact Mr. Marcott directly if verification of any details is required, and copy our firm.

Respectfully,

  
Richard Wise  
Office Administrator

Cc: Max Marcott PE  
503-678-2533

A37

Dianne Snow

---

From: bruce bros inc [brucebrosinc@charter.net]  
Sent: Monday, October 10, 2005 9:25 AM  
To: kevin olson  
Cc: Dianne Snow  
Subject: water tank @ Pacific Terrace

Good Morning Kevin,

I just spoke with Richard Nored PE, who is the consulting engineer for the City of Brookings. He expressed concern that the color of the tank, shown as blue in the contract, needs to be green. Please immediatly institute this change and confirm same. I will phone your office and communicate this in person as well. Thank you  
Richard  
cell 541-661-0672

Diane Snow- Planning- please circulate as necessary-interdepartment



# CITY OF BROOKINGS

## Public Works Department

898 Elk Drive  
 Brookings, OR 97415  
 Phone: 541.469.1151  
 Fax: 541.469.3650

### MEMORANDUM

DATE: October 4, 2005

TO: John Bischoff, City Planner

FROM: Donald Wilcox, Public Works Director *DTW*

SUBJECT: Pacific Terrace Development by Bruce Brothers, Inc.

\*\*\*\*\*

Public Works personnel visited the referenced site on Friday September 30. The development is currently in the initial phases of construction. We have identified several initial issues that need to be immediately resolved by the developer such as:

- Reinforced concrete wall structure within the water utility easement that is a significant impediment to water line maintenance
- No final, approved improvement plans on-site
- Sewer collection system not built to City Standards
- Water distribution system not built to City standards

These are only preliminary items that will need to be resolved by the developer and is not a result of a complete review of the construction toward acceptance or conformance with approved plans. The above items and any other deficiencies must be resolved with the developer prior to final infrastructure acceptance and issuance of Certificates of Occupancy. However, the City's interests are protected by existing bonding and executed agreements between the developer and the City already in place. Therefore, even though some issues are not yet resolved, they are relatively minor in nature and I believe the City is safe in signing their map for recordation.

cc: Ed Wait, file

A-39

**bruce bros inc**

---

**From:** "bruce bros inc" <brucebrosinc@charter.net>  
**To:** <dshaddox@brookings.or.us>  
**Sent:** Tuesday, November 29, 2005 12:51 PM  
**Subject:** Fw: retaining wall approval

Dear Dale, please look into this fiasco, this is the item that went to site approval back in Sept. and I personally numbered each item in response to HGE's letter for Don after we met weeks ago. Also need your follow up on the water main issue. Please return a call at your earliest convenience.

Thank you,,,Richard

— Original Message —

**From:** Donald Wilcox  
**To:** bruce bros inc  
**Sent:** Wednesday, November 23, 2005 1:52 PM  
**Subject:** RE: retaining wall approval

Richard,

Due to a tragic loss of life at HGE, we are probably a week or so behind in reviews.

Don



Donald Wilcox, PE  
Public Works Director  
City of Brookings, OR  
Phone: 541.469.1151  
Fax: 541.469.3650

-----Original Message-----

**From:** bruce bros inc [mailto:brucebrosinc@charter.net]  
**Sent:** Wednesday, November 23, 2005 10:07 AM  
**To:** Donald Wilcox  
**Cc:** kevin olson  
**Subject:** retaining wall approval

Greetings Sir,

any new news- Max Marcott from tank company is calling daily to schedule assembly - need foundation complete please advise

Thank you  
Richard

11/29/2005

bruce bros inc

---

**From:** "Donald Wilcox" <dwilcox@brookings.or.us>  
**To:** "bruce bros inc" <brucebrosinc@charter.net>  
**Sent:** Wednesday, November 23, 2005 1:52 PM  
**Subject:** RE: retaining wall approval

Richard,

Due to a tragic loss of life at HGE, we are probably a week or so behind in reviews.

Don



Donald Wilcox, PE  
Public Works Director  
City of Brookings, OR  
Phone: 541.469.1151  
Fax: 541.469.3650

-----Original Message-----

**From:** bruce bros inc [mailto:brucebrosinc@charter.net]  
**Sent:** Wednesday, November 23, 2005 10:07 AM  
**To:** Donald Wilcox  
**Cc:** kevin olson  
**Subject:** retaining wall approval

Greetings Sir,

any new news- Max Marcott from tank company is calling daily to schedule assembly - need foundation complete please advise

Thank you  
Richard

11/23/2005

A-41



ARCHITECTS  
ENGINEERS  
SURVEYORS  
PLANNERS

November 11, 2005

City of Brookings  
898 Elk Drive  
Brookings, OR. 97415

Attn: Don Wilcox, P.E.  
Public Works Director

Re: Pacific Terrace  
Water Reservoir Retaining Wall.  
Project No. 05.02

RECEIVED  
NOV 14 2005  
CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

375 PARK AVE  
COOS BAY  
OREGON  
97420

541.269.1166  
FAX 541.269.1833  
CELL 541.404.3791  
rnored@hge1.com

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

Dear Don:

We have reviewed the structural calculations provided for the retaining wall for the water reservoir on Pacific Terrace, as provided by David J. Gowers, P.E.. This design appears adequate if the assumptions are correct. At this point, there is no approved design for the reservoir site, and no contour information is available for verification of wall height that might be required. We also have no plan view of the wall, no site design to indicate how the wall is intended to be constructed, no bearing values provided by the geotechnical consultant, and no elevations for the wall. These are all necessary, and certainly the bearing values should be a significant input value for the computer program.

If the bearing values are inputted into the program, the retaining wall may be adequate. However, before construction is authorized, we should have a completed design for the site.

Please contact me if you have any questions or concerns in this regard. We appreciate the 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. Dale Shaddox, City Manager
- Ed Wait, Community Development Director
- John Bischoff, Planning Director
- John Cowan, Public Works Supervisor
- LauraLee Gray, Building Official

RECEIVED #42

NOV 16 2005

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

Bruce Bros. Inc.  
P.O. Box 61  
Brookings, OR 97415  
CCB # 108497 (541) 469-9210

City of Brookings  
Public Works Department- Director Dan Wilcox PE  
898 Elk Drive  
Brookings, OR 97415


November 15, 2004

RE: Pacific Terrace PUD- water tank site/retaining wall

Dear Dan Wilcox,

In response to our September 29, 2005 site plan submittal, for which we have received a hastened review from HGE, we call your attention to the numerous attachments to this letter. These stamped received copies of engineering and geotechnical specifications have all previously been delivered to the City. At your request, and to assist in expediting the file review as ~~2 months were lost by this site plan file being misplaced~~ by staff, I have tagged and identified each item in numeric response, as requested. The foundation footings have yet to be poured, and the tank is to be assembled by a crew from the Aquastore NW, our responsibility is for the foundation only. However, the out of town crew requires a week notice to arrange scheduling, in addition to cure time for the concrete. Although in our meeting this morning, we discussed the procedure of repackaging each submittal and attaching all pertinent information, the fact remains that ALL of the information now being assembled and collated for your convenience in response to Richard Norad's review comments, is on file within the City Planning and Public Works Departments. As such, these delays continue to accrue a monetary loss on our behalf. Such delay requires our continued payment on interest and funding costs, expenses which are not recovered.

In summary, we expect this review to be accorded all the potential expedience possible.

  
Richard Wise  
Office Administrator



H-45  
**RECEIVED**  
NOV 15 2005  
CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT CM

**Bruce Bros. Inc.**  
P.O. Box 61  
Brookings, OR 97415  
CCB # 108497 (541) 469-9210

City of Brookings, City Manager  
Planning and Building Department  
898 Elk Dr.  
Brookings, OR 97415

November 15, 2005

RE: File No. PUD-01-04  
**PACIFIC TERRACE**

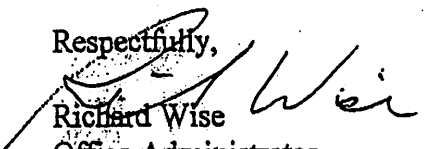
Dear Mr. Dale Shaddox,

Last week we hopefully ended the confusion regarding which submittal requests due from last weeks site plan review meeting. To follow up, we inquired the status of approval with an email which was sent and responded to regarding the review of calculations for a retaining wall located at the north east corner of the subdivisions roadway. The engineering for this request, as required by LauraLee, was originally delivered and discussed at site plan on September 29, 2005. The discussion at site plan is the subject of the attached letter to acting City Manager Paul Hughes. LauraLee was able to locate the calc's last Wednesday, and we are now informed the submittal has finally been forwarded to HGE, with review pending. The retaining wall is incorporated into the construction surrounding the water tank site. The resulting delay is exasperated, as the tank has arrived for assembly, and the foundation is incomplete. The tank, please recall, was also an issue of recent discussion, as the color of the tank was requested to be changed in the course of notification that the original tank was scheduled for fabrication. We had attempted to avoid such change orders, delays and complications by delivering a copy of the tank contract for city review and approval prior to executing the agreement with the manufacturers. These issues we summarize to document the hardships imposed upon our company and created by staff, we do not speculate as to the underlying cause.

Please accept this letter as our humble request to meet and discuss the remaining unresolved items pending City business. These issue are the broken water line claim, for which the City's insurer has denied coverage. We also desire a review and advance notification via punchlist of items necessary to deem phases of construction within the subdivision complete. We believe this a more prudent approach to conducting business and preferable to the custom of the staff withholding permits or approvals for unrelated issues for which such linkage is inappropriate.

Thank you in advance for your attention to these matters. We look forward to your response.

Respectfully,

  
Richard Wise  
Office Administrator

Orig: Dale  
cc: DON  
Ed



# City of Brookings

898 Elk Drive, Brookings, OR 97415  
(541) 469-2163 Ext. 206  
FAX (541) 469-3650

PERMIT NUMBER

805-115

NOT

## BUILDING, PLUMBING, MECHANICAL PERMIT APPLICATION

APPLICANT TO COMPLETE NUMBERED SPACES ONLY

DATE

REC'D

09/20/05

JOB ADDRESS

1055 N. Main St. Loop

DATE

ISSUED

10/1/05

TAX LOT NO.

1700

MAIL ADDRESS

ZIP

PHONE

P.O. Box 61

661 544

REG. NO.

PLUMBER

REG. NO.

ELECTRICIAN

REG. NO.

☐ ALTERATION ☐ REPAIR ☐ MOVE ☐ REMOVE ☐ OTHER

High 7' TALL G WALL

City of Brookings  
898 Elk Dr  
Brookings, OR 97415  
469-2163

Receipt No: 1.011983

Dec 08, 2005

RUCE BROS

Building Fees/Taxes  
805-115 146.50  
Building Fees/Taxes  
Surcharge 10.26  
Building Fees/Taxes  
Plan Review 95.23  
Total: 251.99

Check  
Check No: 9501 251.99  
Total Applied: 251.99  
Change Tendered: .00

12/08/05 09:47am

NO. OF  
BUILDING UNITS

MAX.  
OCC. LOAD

FEES  
UNCOVERED

### FEES

BUILDING PERMIT

146.50

SUR CHARGE

10.26

PLAN REVIEW

95.23

MECHANICAL PERMIT

SUR CHARGE

PLUMBING PERMIT

SUR CHARGE

WATER SERVICE

WATER METER

CONSTRUCTION WATER

SEWER SERVICE

FEE

TOTAL FEE

\$

I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND  
THAT THE ABOVE IS CORRECT. I AGREE TO COMPLY WITH ALL APPLIC-  
ABLE CITY ORDINANCES AND/OR STATE LAWS, AND MY STATE REGIS-  
TRATION IS IN FULL FORCE AND EFFECT.

SIGNATURE OF OWNER, CONTRACTOR OR AUTHORIZED AGENT

APPROVED BUILDING OFFICIAL

PERMIT VALIDATION

CK.

M.C.

CASH

**bruce bros inc**

---

**From:** "Donald Wilcox" <dwilcox@brookings.or.us>  
**To:** "bruce bros inc" <brucebrosinc@charter.net>  
**Cc:** "Dale Shaddox" <dshaddox@brookings.or.us>; "Ed Wait" <ewait@brookings.or.us>; "LauraLee Gray" <lgray@brookings.or.us>; "John Cowan" <jcowan@brookings.or.us>  
**Sent:** Thursday, December 08, 2005 11:32 AM  
**Subject:** RE: bruce bros water tank

Richard,

I have contracted HGE to perform all inspection with a local inspector (other than building inspections) and manage this project for the City. I have forwarded all of our files to HGE and they should now receive all submittals from you directly (with a copy to Planning). This should catch-up and streamline permitting for this project.



Donald Wilcox, PE  
Public Works Director  
City of Brookings, OR  
Phone: 541.469.1151  
Fax: 541.469.3650

-----Original Message-----

**From:** bruce bros inc [mailto:brucebrosinc@charter.net]  
**Sent:** Wednesday, December 07, 2005 9:38 AM  
**To:** Donald Wilcox  
**Subject:** bruce bros water tank

Good Morning Don,  
yesterdays meeting and discussion with Richard Norad wrapped up the retaining wall approval around the tank, but Dick believes he has not seen any tank engineering. Please ensure or forward the 25 page submittal, date stamped Sept 30, 2005, titled Enginnered Storage Products Company. This document I believe has all of the piping and footing details I was unable to qualify yesterday with certainty.

Thank you  
Richard Wise

12/8/2005

A-46



ARCHITECTS  
ENGINEERS  
SURVEYORS  
PLANNERS

December 6, 2005

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Attn: Ed Wait  
Community Development Director

Re: Pacific Terrace PUD  
On-Site Improvements  
Project No. 05.02

Dear Ed:

375 PARK AVE  
COOS BAY  
OREGON  
97420

541.269.1166  
FAX 541.269.1833  
CELL 541.404.3791  
nored@hge1.com

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


We have discussed the proposed retaining walls with Bruce Bros. and with Dale Shaddox. The plans are silent for location and height of both these walls. However, Bruce Bros. indicates that the wall will be a consistent 8' height in conformance with the structural section for retaining walls that was submitted. Location surrounding the reservoir will be at a diameter of 51'-0" from centerline of the reservoir, and at the approximate length indicated on the plans. There is also a straight section from the end of the curved wall towards Izaiha Drive, and a section parallel to Izaiha Drive that extends Westward to the point where the wall is no longer necessary. This section will also be the identical 8'-0" section of retaining wall.

We have searched our records and have been unable to locate the Aquastore drawings for the reservoir. However, every review has commented on the lack of site piping to be constructed under and adjacent to the reservoir. There should be a drain, inlet, outlet, and overflow provided on the reservoir, and we have not yet reviewed the design. State Human Services requirements provide that the inlet or outlet be near the top of the reservoir, with the other of the two located at the bottom of the reservoir, and with each located 180 degrees from each other. This is to maintain water quality in the reservoir, and the requirement should be adhered to. Normal shop drawings for the reservoir would not provide for site piping, and we need to make certain that the construction incorporates these requirements, or construction will become very costly. Richard Weiss indicated that the slab was ready to be poured, so John Cowan needs to review the slab carefully, and potentially e-mail some pictures to make certain that the reservoir will be constructed properly.

If you have any questions in this regard, please contact me. We appreciate the 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. Dale Shaddox, City Manager  
Don Wilcox, P.E., Public Works Director  
John Bischoff, Planning Director  
John Cowan, Public Works Supervisor  
Laura Lee Gray, Building Official



ARCHITECTS  
ENGINEERS  
SURVEYORS  
PLANNERS

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

December 8, 2005

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Attn: Ed Wait  
Community Development Director

Re: Pacific Terrace PUD  
On-Site Improvements  
Project No. 05.02

Dear Ed:

We have reviewed reservoir plans for the Pacific Terrace project, including site piping inside and immediately adjacent to the reservoir. In general, it can be interpreted that these lines will connect to facilities shown on the site plans, and it is critical that the following additions or potential modifications be completed before the floor is poured, as it will be very difficult once the concrete is installed.

1. The inlet to the reservoir should be 8" ductile iron, extending to within 4'-0" of the water surface. The piping through the floor must be extended high enough that the vertical riser can be connected above the concrete. Inlet piping should be installed similar to the detail provided for the overflow. In addition, support must be provided for the vertical riser, with bracing tied to the bolts in the reservoir wall. The supports should be stainless or galvanized, and must be sufficient to hold the upright in place.
2. The outlet to the reservoir should be 8" ductile iron, extending 6" above the floor of the concrete slab. This allows for collection of any debris and containment in the reservoir.
3. The drain should be cut flush with the concrete slab to allow for draining of all the water from the reservoir. Overflow piping should be 8", and support must again be provided for the vertical riser, with bracing tied to the bolts in the reservoir wall. Supports should be stainless or galvanized, and must be sufficient to hold the upright in place. A stainless funnel (glory hole) should be installed on top the overflow to direct flow into the overflow piping.
4. The combined drain and overflow should be connected to the underground storm drainage system extending to Marina Heights. We would suggest that a 12" pipe be extended for drainage purposes.
5. Valving should be provided 5'-0" outside of the reservoir walls on both the inlet and outlet pipes to provide a means of shutting the water down at the reservoir in case of an emergency.

If you have any questions in this regard, please contact me. We appreciate the 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



ARCHITECTS  
ENGINEERS  
SURVEYORS  
PLANNERS

375 PARK AVE  
COOS BAY  
OREGON  
97420

541.269.1166  
FAX 541.269.1833  
TELL 541.404.3791  
rnored@hge1.com

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

December 23, 2005

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Attn: Ed Wait  
Community Development Director

Re: Pacific Terrace PUD  
On-Site and Off-Site Improvements  
Project No. 05.02

RECEIVED  
DEC 27 2005  
CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

Dear Ed:

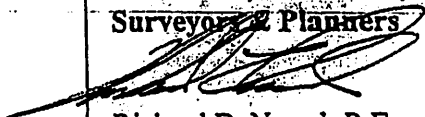
We completed a site survey of construction which has been completed to date, on December 20, in a field visitation with John Cowan. In accordance with direction from your office, we have also directed Dennis Barlow to begin inspection of public works construction for this project. The following issues of construction, which is not in accordance with construction plans and good construction practice, was discussed with Josh Bruce and will require corrective action:

1. The inlet to the reservoir is not provided at 180 degrees to the outlet as discussed in plan reviews.
2. Rebar for the reservoir foundation does not provide clearance for protection from the gravel below the foundation wall. Rebar needs to be raised in accordance with approved construction details.
3. Rebar is above the foundation for the reservoir, and all of the internal piping seems to have been set too low for the planned bottom elevation of the reservoir. In addition, the exposed rebar may be too high for proper placement in the bottom of the reservoir.
4. Offsite drainage is planned to drain down Old County Road. Drainage down Old County Road has not been installed, and water is crossing the road onto private property. Construction of improvements needs to be completed to eliminate potential damage to adjacent properties.
5. Detention ponds are not functioning at this point. The outlet controls are not installed, and storm flows are moving through the ponds, creating the potential for damage to adjacent properties.
6. None of the sanitary sewers have been completed, tested, or approved at this time.

If you have any questions in this regard, please contact me. We appreciate the 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



H-47

**Bruce Bros. Inc.**  
P.O. Box 61  
Brookings, OR 97415  
CCB # 108497 (541) 469-9210

**RECEIVED**  
JAN 20 2006  
CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT  
January 20, 2006

City of Brookings  
898 Elk Dr.  
Brookings, OR 97415

Attn: Don Wilcox, Brookings Public Works Director

RE: Water Meter, Lot 2/3 Zoe Drive  
PUD-1-04 Pacific Terrace P.U.D.

Gentlemen,

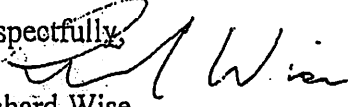
This letter purpose is to follow up on the visit to your office to inquire as to the reason repeated requests for installation of two water meters have been denied installation, for lot 2 and lot 3, Zoe Drive, respectively. Proper permits and fees paid from November 2005 records show office staff had indeed placed work order requests in normal procedural channels through to the Public Works department. I appreciate your making an immediate inquiry into the file. It appears that yet again, whether for discriminatory, retaliatory or otherwise ineptness, while senior staff informs us there are not problems, still we are the recipients of impaired service. This letter shall also serve as an acknowledgement of receipt of two HGE Engineering letters, concerning ongoing work at the subdivision, dated December 5 and December 6, 2005. The December 6 memorandum is specific to the construction of the water tank at the site. While we are aware of the content of the letter via direct phone conversation with Richard Nored at HGE, it bears to point out once again the delay caused by failure of timely review of submittals, delivered in September yet not forwarded or otherwise lost, has caused the missing of the opportunity to complete this prior to the onset of poor weather, rescheduling of out of area engineers, and completion delays. This late review has caused field changes and the necessity to redo the project twice. We have now reformed all the footings and inlet piping, as recommended by engineering staff review.

I also will utilize this letter to address the December 5 letter from HGE, whereas a number of general and specific bullet points seem to be tirelessly reiterated. Namely, ownership of utilities is not an item needing to be readdressed every month by the staff or consulting engineer in an unending apparent attempt to strong arm our company into changes agreed to and acted upon at the Planning Commission, nor is it appropriate in our opinion to refer to these potential bargaining chips "as a condition of plan approval". Plan approval is a clearly defined process of review which removes the discretionary decision making and this project has already been approved! To date, with staff notification in advance, we have performed field inspections supervised by TJ Bossard PE and Donald Hoag PE, testing the storm and sewer lines and delivered stamped

verification of same. Only the completion of the water tank and related installation of the pressure reducing vault for the third high pressure loop remain incomplete, and final paving of roads will continue when weather conditions permitting.

Please forward this letter for a response and outline any other unaddressed or unidentified issue, we wish to resolve these items prior to the need for them to become negotiation points further delaying final completion of other pending projects.

Respectfully,

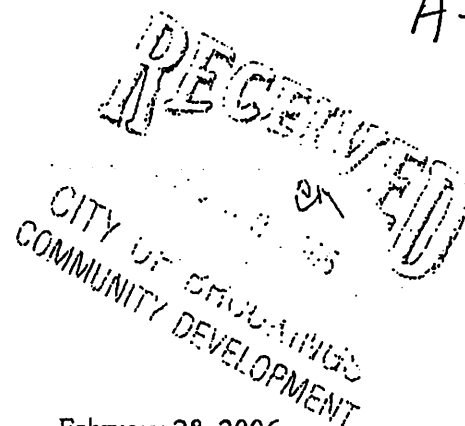
  
Richard Wise  
Office Administrator

Cc: TJ Bossard Inc  
Dale Shaddox-City Manager

RECEIVED  
JAN 20 2006  
CITY OF BRUUKING'S  
COMMUNITY DEVELOPMENT



**Bruce Bros. Inc.**  
P.O. Box 61  
Brookings, OR 97415  
CCB # 108497 (541) 469-9210



City of Brookings  
c/o Public Works Manager Don Wilcox  
898 Elk Drive  
Brookings, OR 97415

February 28, 2006

RE: Pacific Terrace PUD 01-04

Dear Mr. Wilcox,

In accordance with our previous meetings and discussions regarding ongoing improvements at the subdivision, attached find the engineers concrete strength testing report for the foundations and footings poured for the water tank on site at Pacific Terrace. I have also included the Stuntzner Surveying and Engineering performed site calculations prepared and forwarded to the project engineer, TJ Bossard for incorporation into the final as-builts. Joshua informs me that the City Engineer, City Manager and yourself visited the project and conversed with Mr. Bruce. The drainage off site was again the topic of some discussion, and in review of my records from 2005, I find notes that the drainage study requested by HGE was completed 17-Feb-2005 and delivered directly to HGE from the project engineers' office. I have provided another copy with this report so the study may be on file at public works locally. Freeman Contracting has been predisposed on the 101 ODOT Chetco Ave public works improvements so we have undertaken many corrections ourselves. Joshua informs me that after Dale and Don left the jobsite, Mr. Nored and Josh spoke further about the culvert drainage pipe on Old County Road. At the conclusion of our last meeting a 45 degree angle was discussed and agreed to be attached to the outflow point of the pipe, as the weather was cooperative yesterday in providing discharge from this pipe, the flow direction of the pipe was inspected and determined to be correctly aligned, and installation of the correction following Joshua's further discussion and direction from Mr. Nored at HGE later today will be installed today with the direction angle or additional rip-rap providing the best dissipation method for the discharge pipe.

Thank you for your continued assistance in completion of this project.

Richard Wise  
Office Administrator

copy

4-22

T. J. BOSSARD, INC.  
CIVIL & STRUCTURAL ENGINEERING

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Richard Nored	Doug Burroughs
541-269-1833	DATE:
	1/18/2005
	TOTAL NO. OF PAGES INCLUDING COVER:
	8
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
	04-037
RE:	YOUR REFERENCE NUMBER:
Bruce Bros. -	
Pacific Terrace Project	

☐ URGENT    ☒ FOR REVIEW    ☐ PLEASE COMMENT    ☐ PLEASE REPLY    ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Richard,

Here is some general information and details for the proposed water reservoir for Pacific Terrace PUD. Please review and let us know if this reservoir is acceptable. If it is, then specific details will be drafted and submitted to you under a separate cover for actual construction approval.

Thank you.

Doug Burroughs

received  
1/18/05 DBS

17-55  
Water TANK - PACIFIC TERRACE

T. J. BOSSARD, INC.  
CIVIL & STRUCTURAL ENGINEERING

FACSIMILE TRANSMITTAL SHEET

TO:  
Noah, Richard & Andy  
541-469-9230

FROM:  
Doug Burroughs

DATE:  
1/18/2005

TOTAL NO. OF PAGES INCLUDING COVER:  
9

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:  
04-037

RE:  
Bruce Bros. -  
Pacific Terrace Project

YOUR REFERENCE NUMBER:

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Here is some general information and details for the proposed water reservoir for Pacific Terrace PUD. I have sent this info to Richard Nored for his approval of the reservoir in general. Once we have is approval on the reservoir you will need to get a contract in place with Aqua Store for the final design, details and construction of the reservoir.

I have included the original cover I sent to Nored for your reference.

Thank you.

Doug Burroughs

# AQUASTORE® WATER RESERVOIR TANK QUOTE

Thank you for your request for quotation. This quotation is good for 60 days from October 13, 2004. Aquastore NW, Inc. is pleased to offer the following Aquastore® tank for the Brookings SD project.

Model Number	Quantity	Size / Volume	Type	Product Stored
3128SV1	1	31x28 - 158,800 gal	Glass fused to steel bolted tank	Water

Notes:

1. The quotation is based on information supplied by the engineer. Site parameters may affect cost.
2. As a producing member of AWWA D-103 with three in-house professional engineers on design review committee, Engineered Storage Products Company will guarantee the design, fabrication and erection of the Aquastore tank as described in the following quotation.

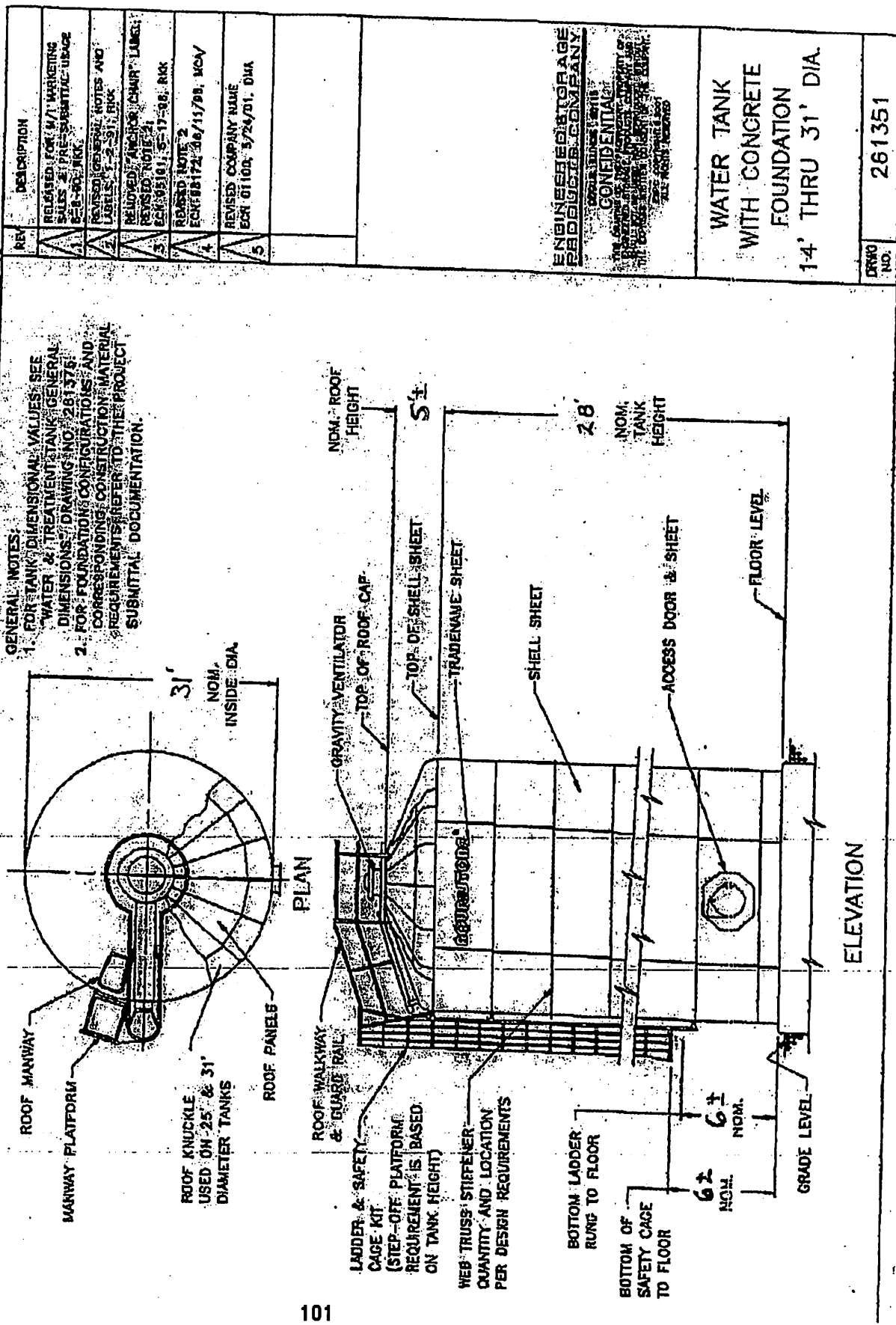
**Geometry Description**  
 Model 11x28 Aquastore® glass fused to steel bolted tank, concrete floor.  
 30.77 ft diameter width  
 28.43 ft diameter height  
 158,800 gallons capacity with 0" freboard  
 31" Glass fused knuckle clear span roof

**Design Criteria**  
 AWWA D103-97 allowable  
 Seismic design IBC 2000 foundation design for zip code 57415  
 Wind uplift analysis AWWA D103  
 Snow load pounds per square foot - 25  
 Soil bearing capacity loading of 2500 psf  
 Less than 3" frost depth

28x33  
 25x42

NEXT →

PRODUCT MENU



6	5	0.197	5.004	AQUARES	1	1201	2	41
FON	13	0.197	5.004		3	5320	2	0

WIND STIFFENERS REQUIRED:

STIFFENER AT BOTTOM OF COURSE	1 SECT. MOD. =	0.636 cu in	10425.782 mm3
STIFFENER AT BOTTOM OF COURSE	2 SECT. MOD. =	0.625 cu in	10239.573 mm3

mm	STRUCTURE DIAMETER	=	30.77 ft	9379.35
mm	HEIGHT OF STRUCTURE TO EAVE	=	<del>28.43 ft</del>	8664.19
mm	SLOSHING WAVE HEIGHT	=	1.78 ft	542.68
m3	VOLUME OF STRUCTURE TO EAVE	=	21141. cu ft	599.
m3	VOLUME OF CONTENTS	=	21141. cu ft	599.
L	VOLUME OF CONTENTS	=	158143. gal	598637.
m3	VOLUME OF CONCRETE FND.	=	442. cu ft	13.
kg	WEIGHT OF EMPTY CYLINDER ABOVE FLOOR	=	17783. lb	8066.
kg	WEIGHT OF ROOF	=	3719. lb	1587.
kg	SNOW (LIVE) LOAD	=	18593. lb	8434.
kg	WEIGHT OF CONTENTS	=	1319177. lb	598368.
kg	FOUNDATION WEIGHT	=	63698. lb	28893.
kg	TOTAL WEIGHT ON FOOTING	=	1422969. lb	645447.
N	WIND SHEAR AT TOP OF FOOTING	=	25116. lb	111721.
kn-m	WIND MOMENT AT TOP OF FOOTING	=	422057. ft-lb	572.
N	SEISMIC SHEAR AT TOP OF FOOTING	=	323313. lb	1438168.
kn-m	SEISMIC MOMENT AT TOP OF FOOTING	=	4238911. ft-lb	5748.

0 D(3X) DOCUMENT NUMBER: 7042865 -010

TITLE: TANK CALCULATIONS

HOOP STRESS ANALYSIS				D(2X)				
COURSE	DEPTH FT	PRESS PSI	NET TENS	ALLOW TENS	HOLE BEAR	ALLOW BEAR	BOLT SHEAR	ALLOW SHEAR
1	4.7	2.0	5410.	14566.	16799.	40500.	4021.	18163.
2	9.2	4.0	10724.	14566.	33297.	40500.	7970.	18163.
3	13.8	6.0	15227.	25400.	23640.	67500.	5960.	18163.
4	18.4	8.0	15204.	25400.	23605.	67500.	7934.	18163.
5	23.0	10.0	15283.	25400.	23727.	67500.	9909.	29454.
6	27.6	12.0	15259.	25400.	23689.	67500.	11884.	29454.
FND	28.4	12.3	14150.	25400.	20479.	67500.	10273.	29454.

D(3X) AXIAL STRESS ANALYSIS				D(2X)		
COURSE	AXIAL	ALLOW	HOLE	ALLOW	BOLT	ALLOW

City of Brookings  
898 Elk Drive  
Brookings, Oregon 97415

HGE Architects, & Planners  
375 Park Avenue  
Coos Bay, OR 97420

Bruce Bros., Inc.  
207b Wharf Street  
Brookings, Oregon 97415

February 6, 2006

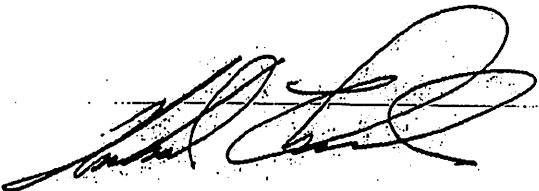
Report # 1

Footings for water tank on Marina Heights have been poured.

February 10, 2006

Report # 2

The contractor that is building the water tank has installed the foundation sheet with the gray and bentonite seals, so today Josh poured 35 1/2 yards of 4,000 # concrete for the slab.



**INSPECTED BY:**

Dennis Barlow for HGE, Inc.  
HGE, Inc., Architects, Engineers, Surveyors & Planners  
375 Park Avenue, Coos Bay, Oregon 97420



**DISTRIBUTION:**

Bruce Bros., Inc.  
City of Brookings

City of Brookings  
898 Elk Drive  
Brookings, Oregon 97415

HGE Architects, & Planners  
375 Park Avenue  
Coos Bay, OR 97420

Bruce Bros., Inc.  
207b Wharf Street  
Brookings, Oregon 97415

February 15, 2006

Report # 3

Today the crew from Aquastore NW, Inc., installed 26 of 33 roof panels, they also have one of 5 rows of the wall panels up.

February 16, 2006

Report # 4

Today the crew from Aquastore NW, Inc., installed the last 7 roof panels to complete the roof section, then they bolted the stair sections together to be installed later. Also installed wind lace clip-on sealer on to each section of roof on the inside.



INSPECTED BY: Dennis Barlow for HGE, Inc.  
HGE, Inc., Architects, Engineers, Surveyors & Planners  
375 Park Avenue, Coos Bay, Oregon 97420



DISTRIBUTION: Bruce Bros., Inc.  
City of Brookings



H-5j

City of Brookings  
898 Elk Drive  
Brookings, Oregon 97415

HGE Architects. & Planners  
375 Park Avenue  
Coos Bay, OR 97420

Bruce Bros., Inc.  
207b Wharf Street  
Brookings, Oregon 97415

February 21, 2006

Report # 1

Today the crew from Aquastore NW, Inc., installed the third and fourth sections of panels and one more section of the ladder.

February 22, 2006

Report # 2

Today Aquastore NW, Inc., installed the fifth section of wall panels and 7 sections of the sixth row, then installed the last lower section to the ladder.

February 23, 2006

Report # 3

Today Aquastore NW Inc., installed the last four panels of the sixth's row and removed the jacks and started the cleanup.

INSPECTED BY:

Dennis Barlow for HGE, Inc.  
HGE, Inc., Architects, Engineers, Surveyors & Planners  
375 Park Avenue, Coos Bay, Oregon 97420



DISTRIBUTION:

Bruce Bros., Inc.  
City of Brookings

City of Brookings  
898 Elk Drive  
Brookings, Oregon 97415

HGE Architects, & Planners  
375 Park Avenue  
Coos Bay, OR 97420

Bruce Bros., Inc.  
207b Wharf Street  
Brookings, Oregon 97415

February 28, 2006

Report # 4

Aquastore NW, Inc., continued doing cleanup and installing anodes for cathodic protection and installing overflow pipe.

March 1, 2006

Report # 5

Tank is cleaned out overflow pipes strapped and in place. Hatch cover is installed but not bolted down yet.

March 2, 2006

Report # 6

Today the contractor cleaned out and did more rip-rap on the outlet end of the pipe that crosses Old County Road. Re-directed the outlet water into the original ditch line.

INSPECTED BY:

Dennis Barlow for HGE, Inc.  
HGE, Inc., Architects, Engineers, Surveyors & Planners  
375 Park Avenue, Coos Bay, Oregon 97420



DISTRIBUTION:

Bruce Bros., Inc.  
City of Brookings

A-61

City of Brookings  
898 Elk Drive  
Brookings, Oregon 97415

HGE Architects, & Planners  
375 Park Avenue  
Coos Bay, OR 97420

Bruce Bros., Inc.  
207b Wharf Street  
Brookings, Oregon 97415

March 29, 2006

Report # 7

Today Freeman Contracting, Inc., vacuumed and tested 9 manholes, they all passed the vacuum test but manhole # 8 is in a driveway that is not yet to grade.

INSPECTED BY:

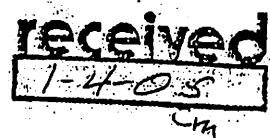
Dennis Barlow for HGE, Inc.  
HGE, Inc., Architects, Engineers, Surveyors & Planners  
375 Park Avenue, Coos Bay, Oregon 97420




DISTRIBUTION:

Bruce Bros., Inc.  
City of Brookings

#-6



October 25, 2006

INTER	
OFFICE	

MEMO

To:	Dianne Snow, City Planner
From:	William J Sharp, Fire Chief 
Subject:	Pacific Terrace Planned Community
Date:	10/24/06

On 10/18/06 the Fire Department was presented a proposal by Noah Bruce of proposed changes to the Pacific Terrace Planned Community that involves changing access roads and turn arounds. It was proposed to use the road easement at the Southerly terminal of Pacific Terrace Dr. as the emergency access rd rather than Izaiha Rd.

The proposal to dead end Izaiha Dr. will meet Fire Departments concerns providing they design the turn around to be minimum 70' across as per code specs. We understand that the emergency road easement road will have a blocked access for the regular public and will only be available for access to emergency vehicles by removing the obstructing barrier. Sage Road access does not pose any concerns or questions for the Fire Department.



ARCHITECTS  
ENGINEERS  
SURVEYORS  
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mored@hge1.com

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

October 30, 2006

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Attn: Dianne Snow  
Planning Director

Re: Pacific Terrace PUD  
Bruce Bros.  
Project No. 06.24

Dear Dianne:

We understand that Bruce Bros. has suggested that the existing 158,000 gallon reservoir be removed and that Pacific Terrace utilize service from the 3<sup>rd</sup> high level Pacific View reservoir. A tank of this size, at the existing elevation or higher, is needed to adequately serve the Pacific Terrace P.U.D. The 3<sup>rd</sup> high level Pacific View reservoir is a 23,000 gallon reservoir that serves a large portion of Marina Heights, and is not adequate for the Pacific Terrace project.

In addition, much of the area in the Pacific Terrace PUD is in the area planned for 2<sup>nd</sup> high level service, and the development needs 2<sup>nd</sup> high level service for pressures and fire protective needs. This area has lacked 2<sup>nd</sup> high level water service for many years, and we recommend that the City continue to require this reservoir be provided.

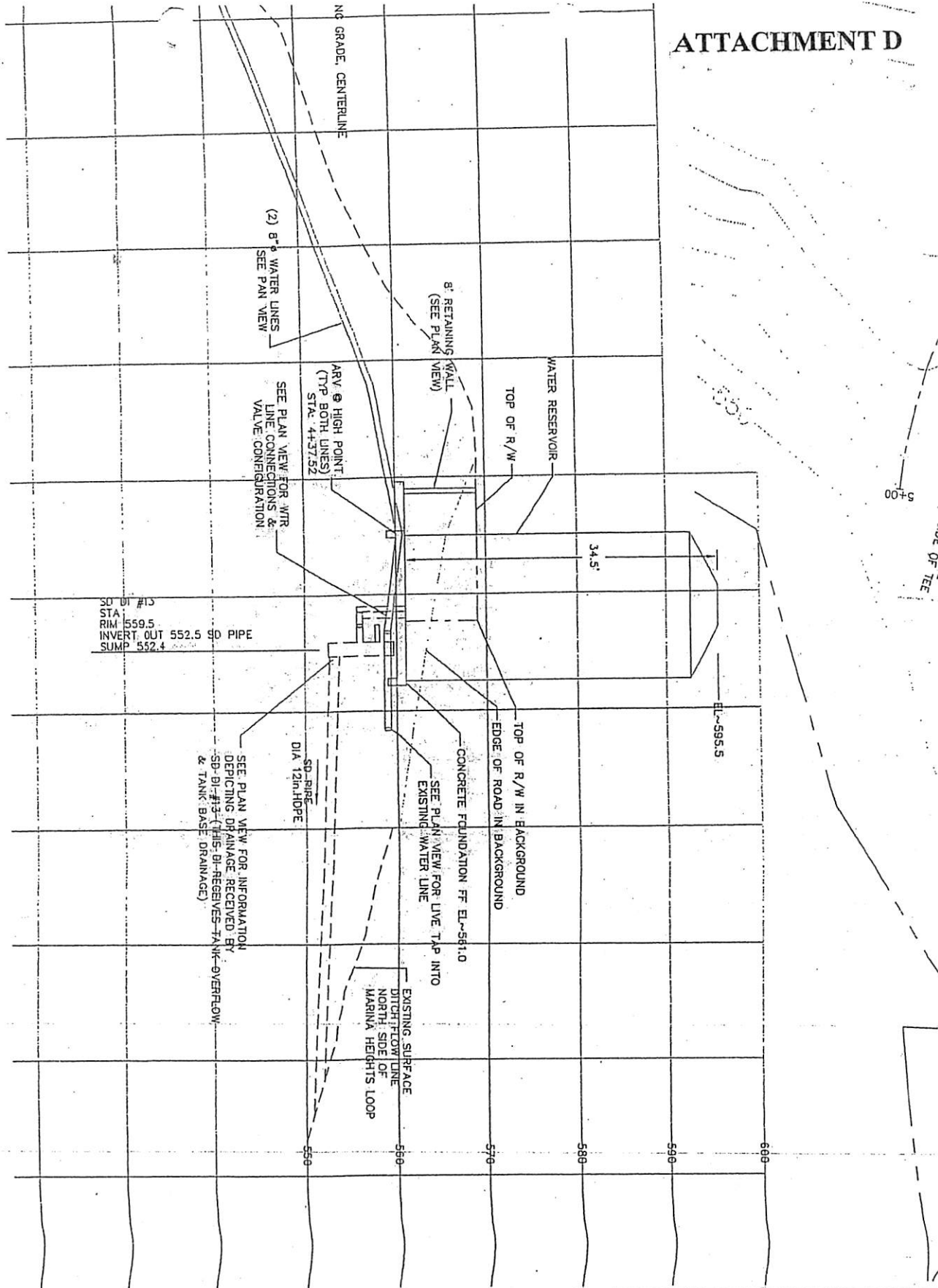
If you have any questions or concerns, please contact me.

Very truly yours,

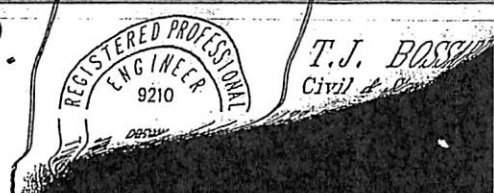
HGE INC., Architects, Engineers,  
Surveyors & Planners

Richard D. Nored, P.E.  
President

c. John Cowan  
Public Works Director



IC TERRACE P.U.D.  
 SITE IMPROVEMENTS - AS BUILT  
 PLAN AND PROFILE, IZAIHA DRIVE  
 BRUCE BROTHERS  
 MAP 40-13-32 TI 1500



**Bruce Bros. Inc.**  
P.O. Box 61  
Brookings, OR 97415  
CCB # 108497 (541) 469-9210

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

October 30, 2006

RE: Pacific Terrace PUD 01-04/ Minor Change

Dear Planning Director Diane Snow,

Bruce Bros. Inc., does agree to the City's demand and redundant requests for the replacement of landscaping around the water tank. Approximately two thirds of the tank perimeter boundary has already been planted. If removal of the tank is not permitted, Bruce Bros. Inc. will make every effort to make the tank as least intrusive to the neighborhood surroundings. If required, BB Inc., will install trees that have an expected growth rate of 1-3 feet per year. This landscape plan will be provided in an effort to create a visual screen and replace the 80 foot tall tree line that was removed by the requirement of the City to provide a vehicular access from Marina Heights Loop, by the falling of the grove that previously occupied the lot and to shield the tank from view. The only remaining area to be landscaped is the maintenance access approach. We wish the energy and effort spent by staff requiring this written consent for additional monetary expense, to replant and replace trees in a location with which we disagreed with the removal of the natural existing grove to begin with, would provide our company with a direct response as to why the red tags have not been removed from our projects.



Richard Wise  
Operation Manager

Attachment- Aug 7, 06 Letter to City Mgr



**Bruce Bros. Inc.**  
P.O. Box 61  
Brookings, OR 97415  
CGB #108497 (541) 469-9210

October 31, 2006

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

ATTN: Planning Director Diane Snow  
RE: Pacific Terrace PUD 01-04, Request for Minor Change- Landscape Plan

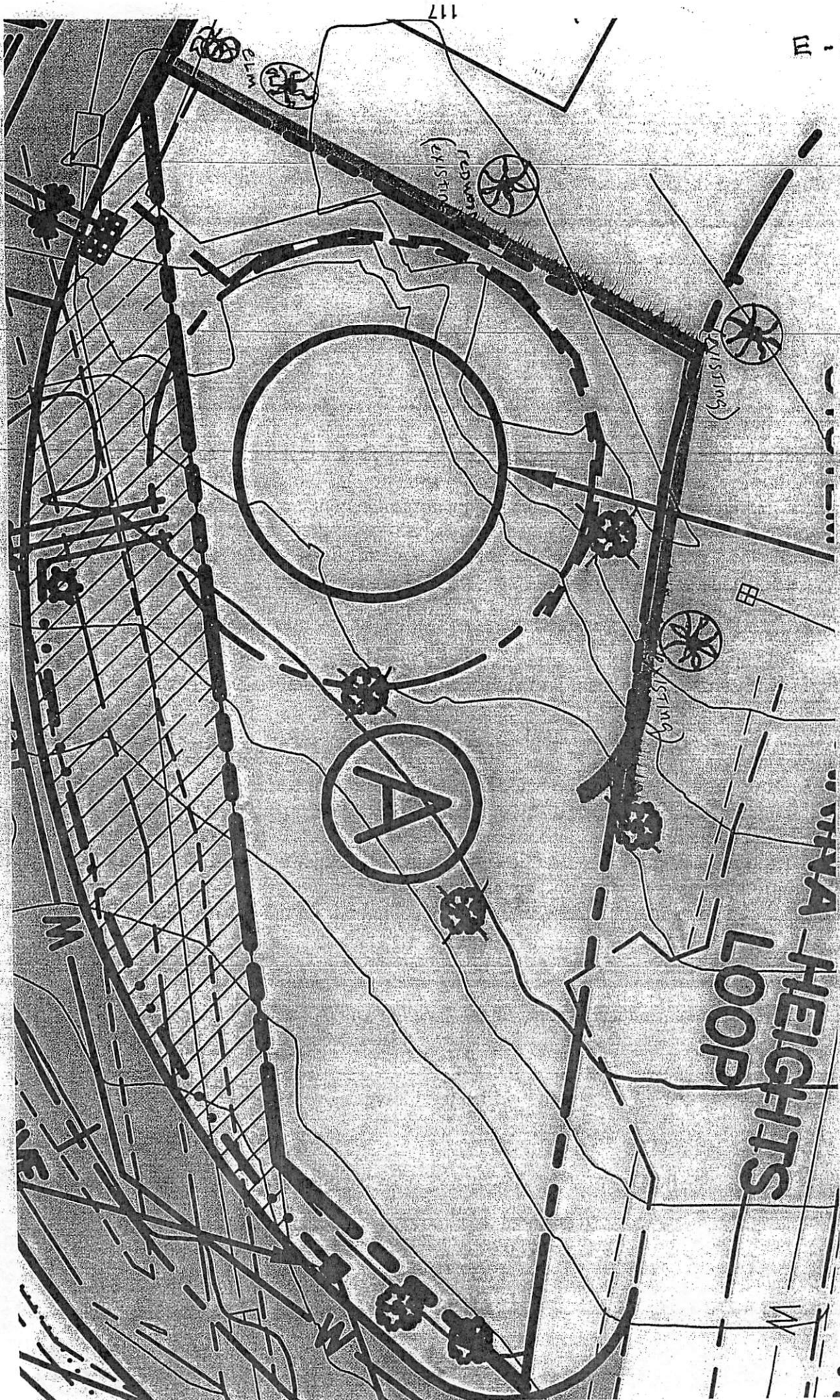
Dear Diane,

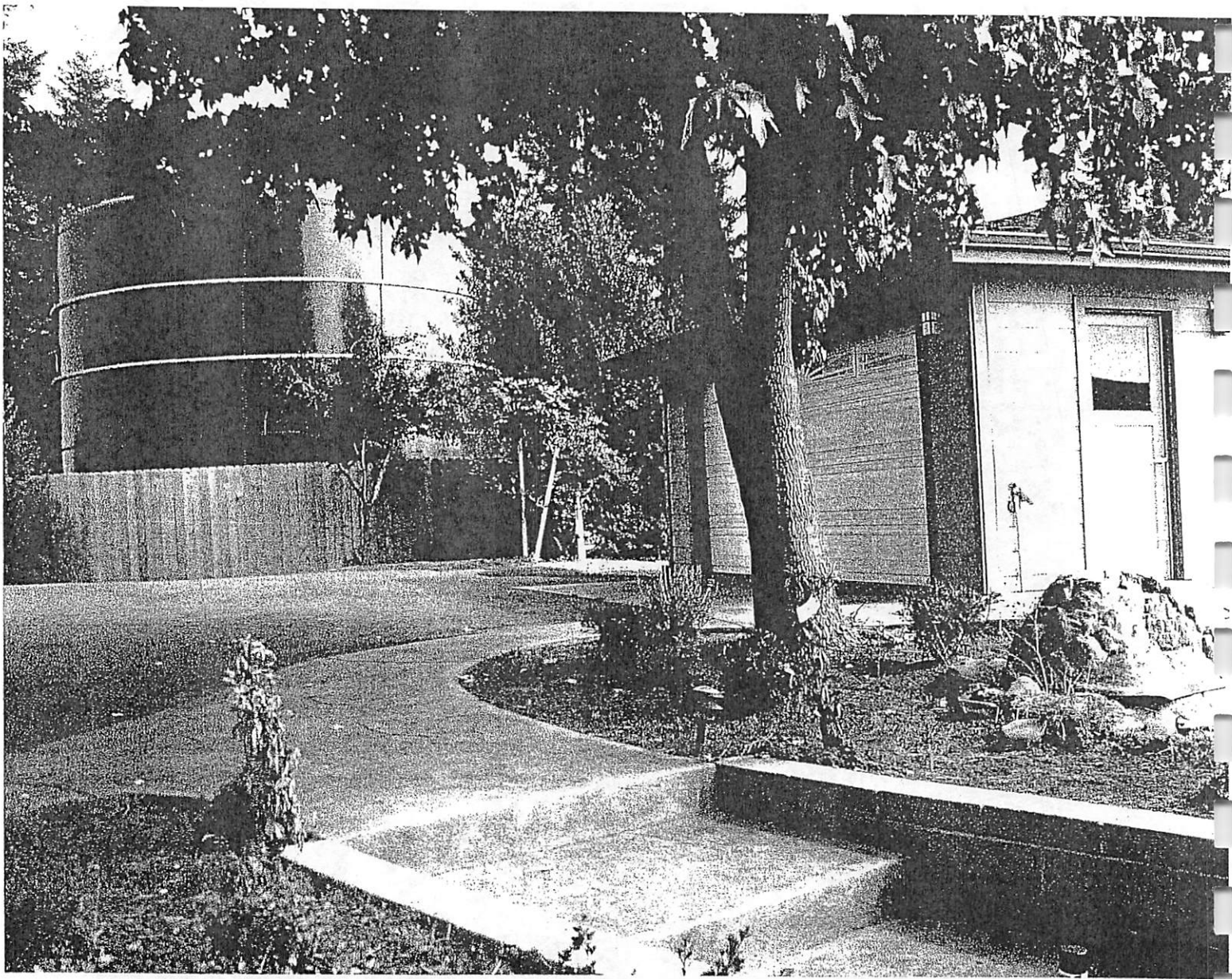
I wish to thank you for the diligence you have shown in trying to continue to turn this minor change request submittal into a package the "City can support". Unfortunately, most times we try to work with staff we are misled or otherwise told "it's the other department". We do not desire to barter for a recommendation of approval, we built the tank as directed by city officials and have been sold down the river by the same administration, that will not communicate with us objectively, fairly, or follow through with the agreements reached in meetings. We have reached the limit of tolerance for this oppressive runaround that only has accomplished keeping us out of work.

I have located the photos that were part of the first Planning Commission hearing, they did not get included with the current package. Please include the original copies from the file, I have attached a copy with this letter, along with other photos taken in August 2006. We will supplement the file with additional photos to be taken 48 hours prior to the hearing. The August photos clearly show we have already installed a 6' high cedar fence around all points of the tank visible from Marina Heights Loop, in addition to the 8' retaining wall below grade. The vehicle access point has a requirement of a chain link gate and the remainder of the tank encircled with protective barbed wire fencing on the southern border. If you wish to recommend to the Planning Commission that additional trees or junipers be added, as a condition necessary to secure the city managers approval, we do not object. I have provided a lot site plan showing removed trees, and replanted trees, so a map is available for the hearing.

Richard Wise  
Operations Manager





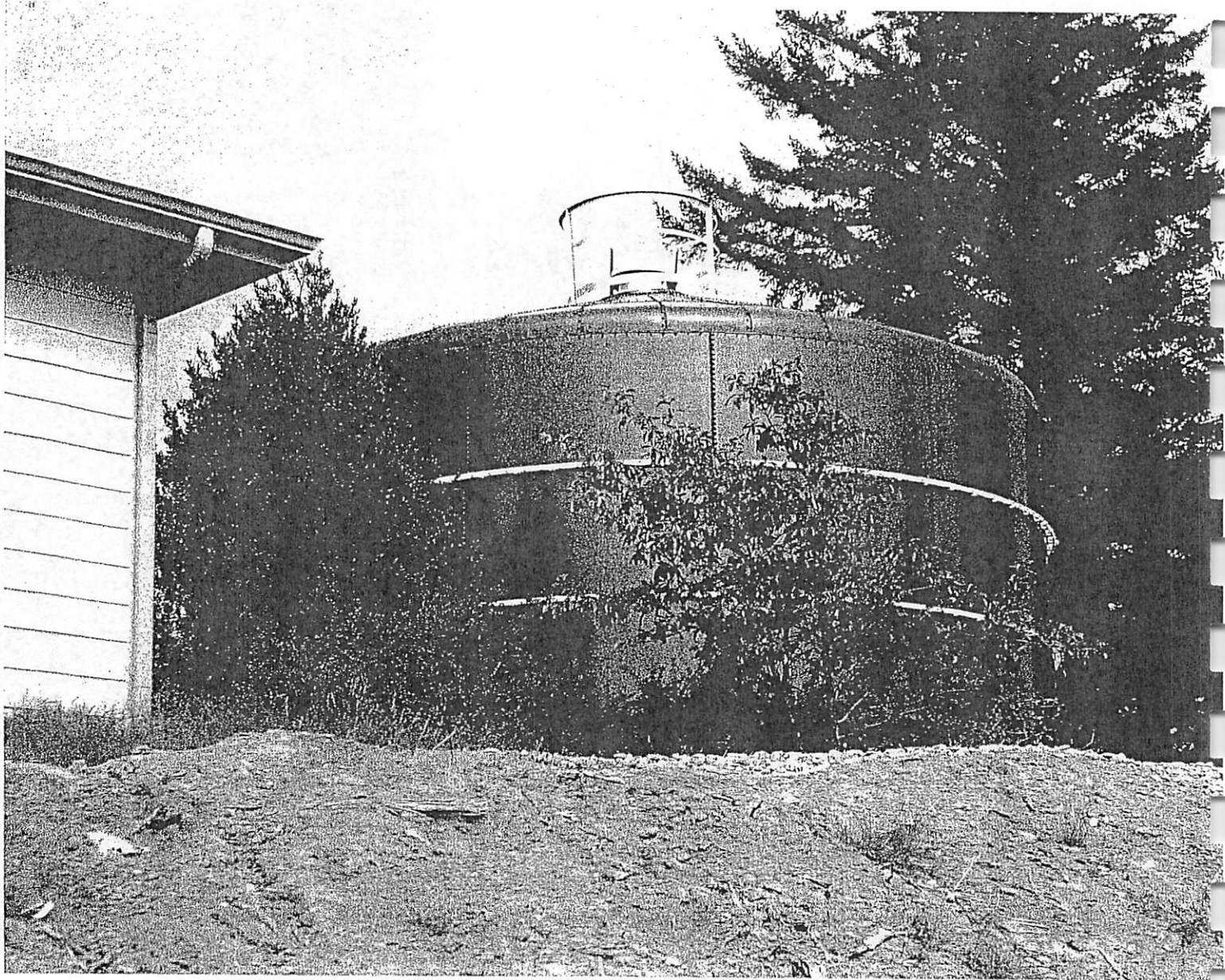


E-4





E-5

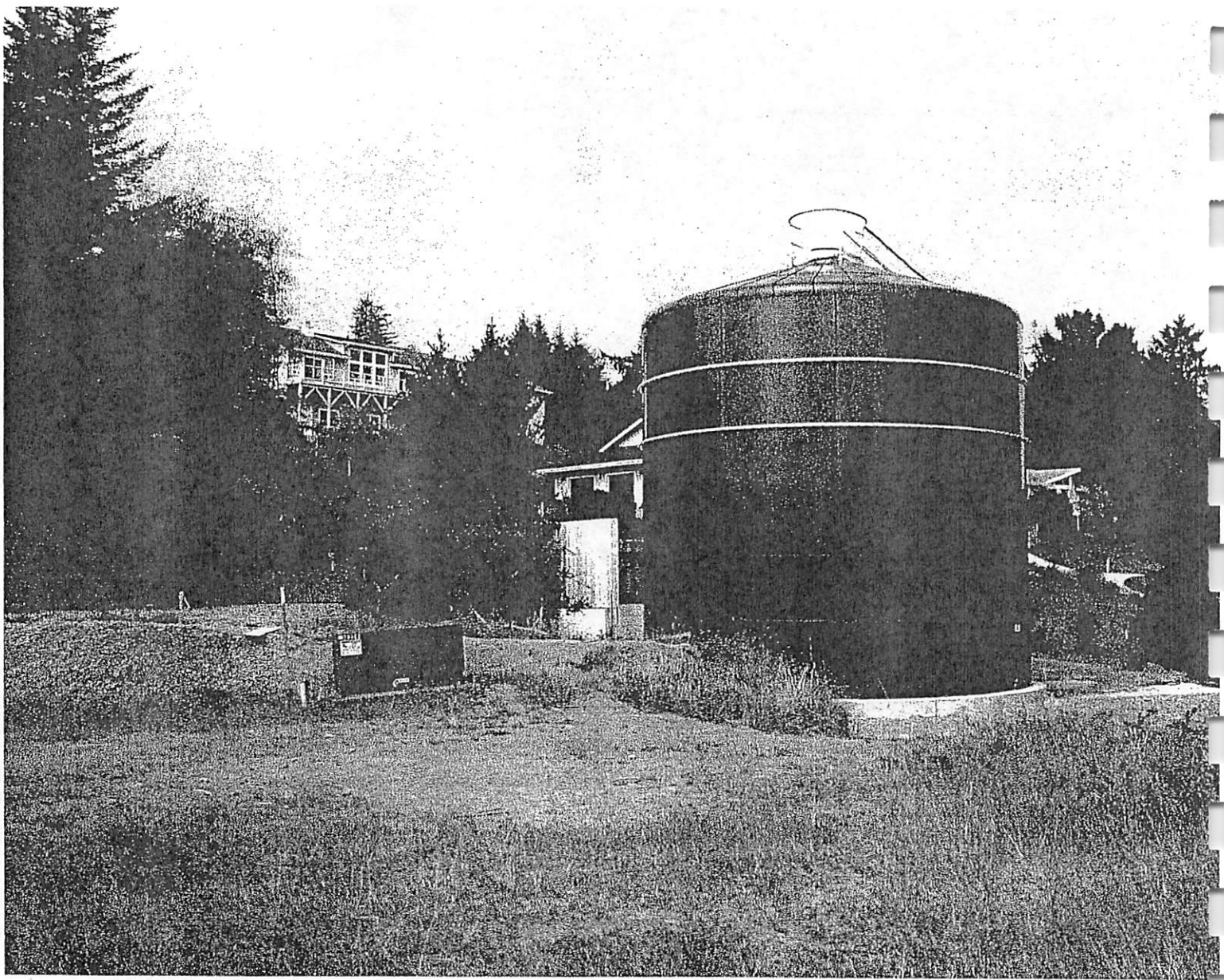


E-6

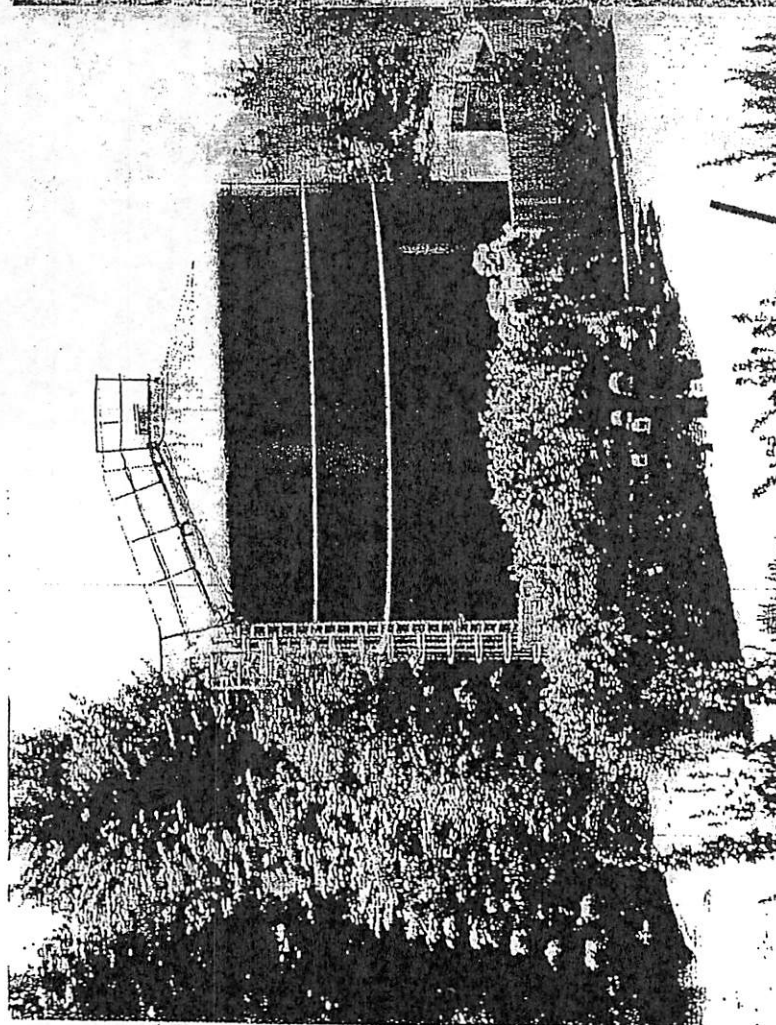
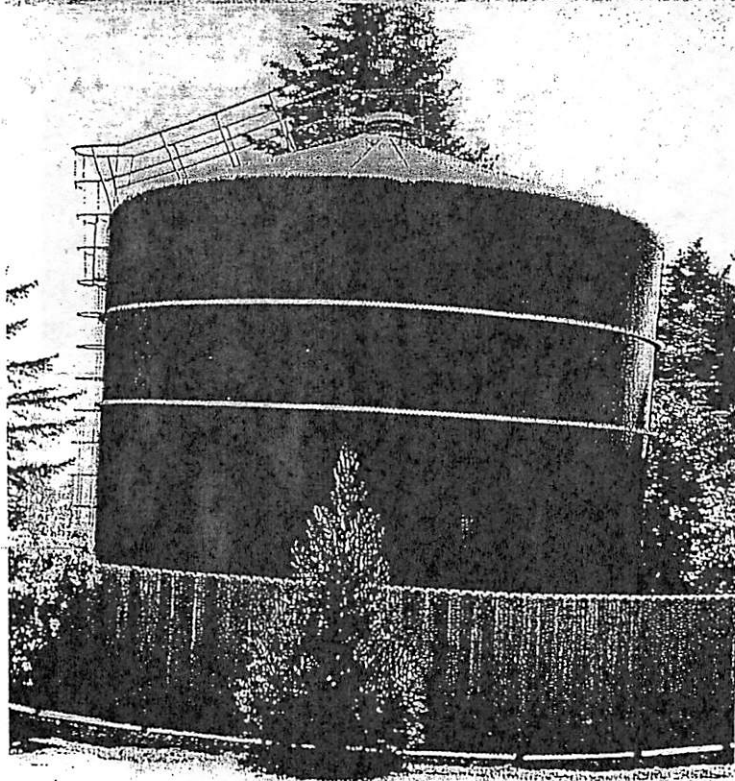
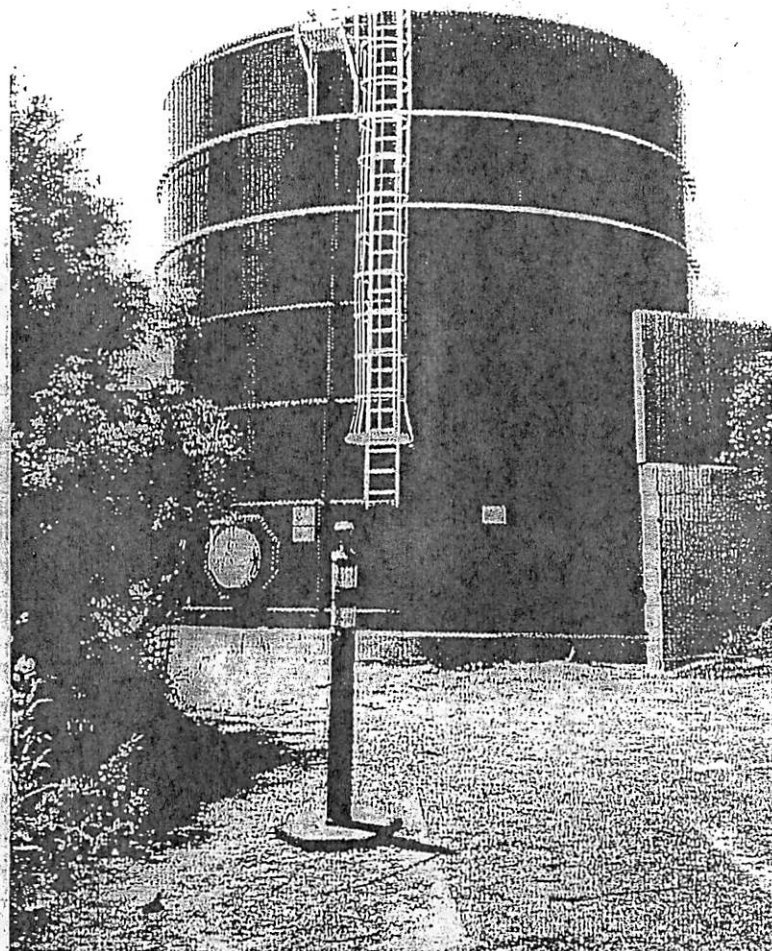
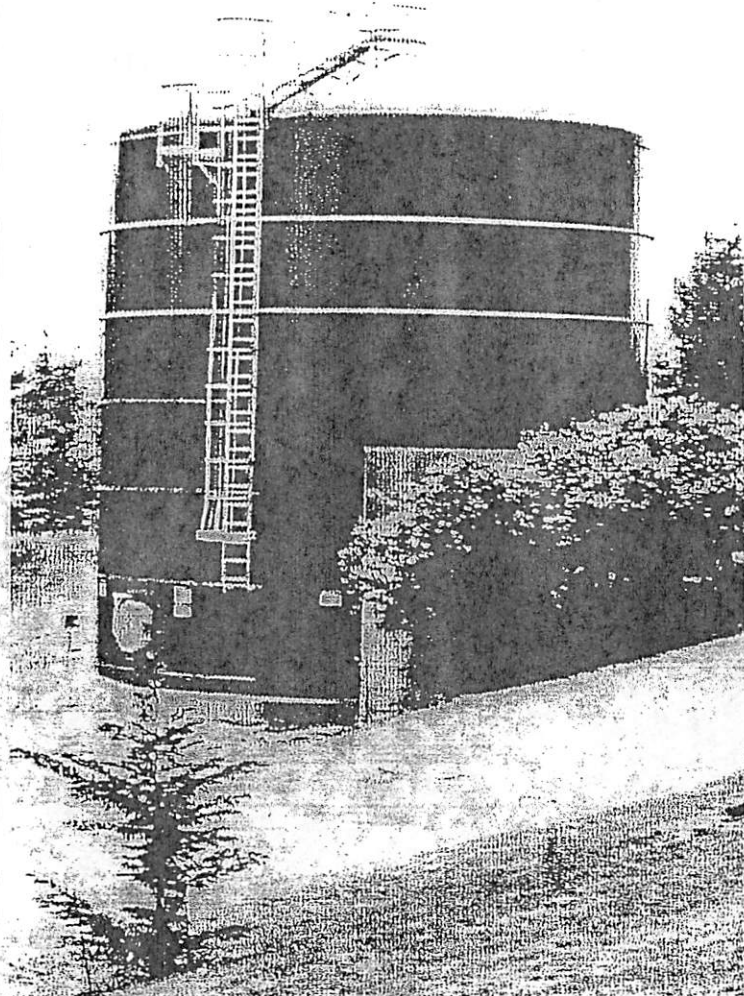


E-7



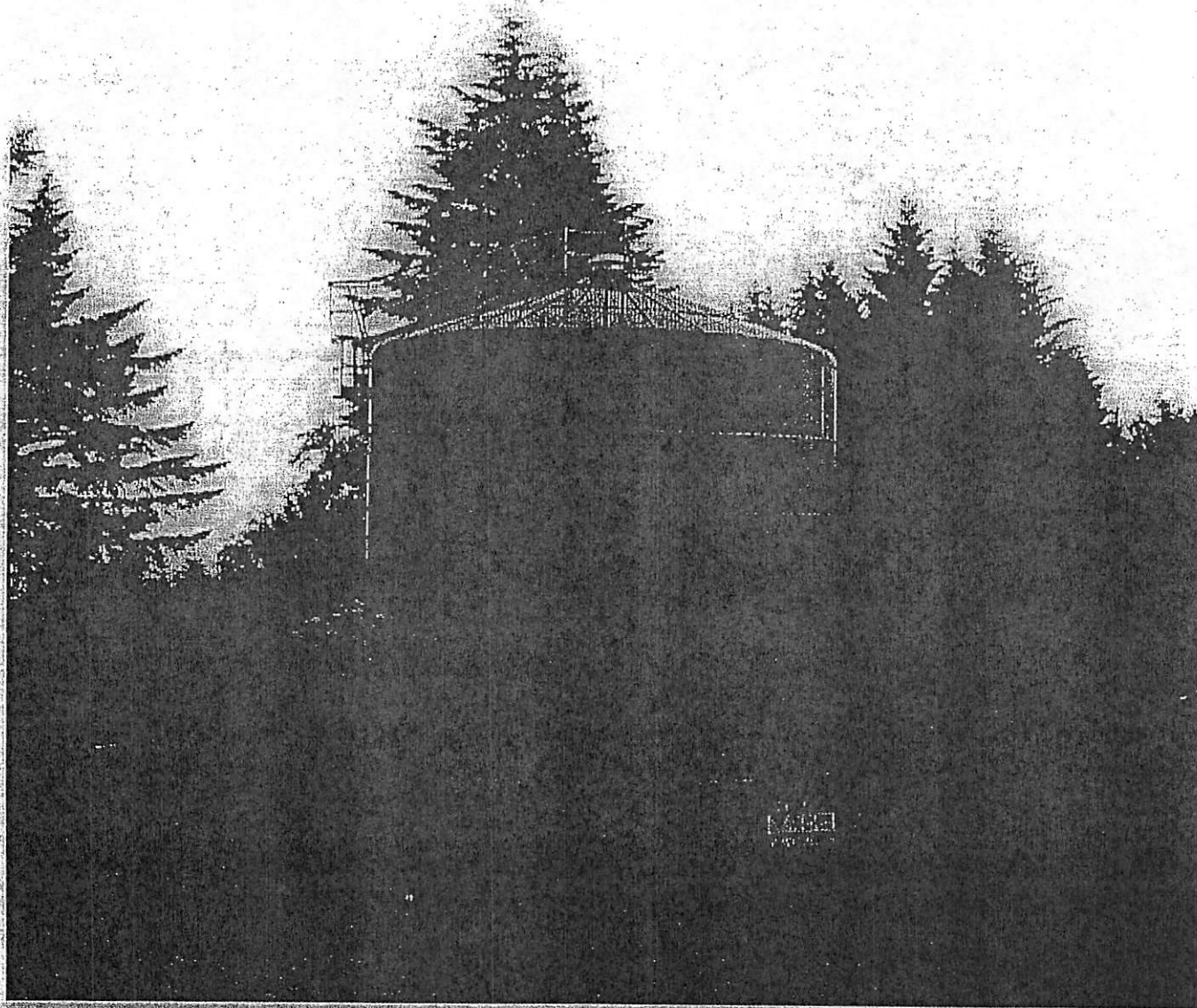


E - 8



For Sale  
44 440 0505





**Bruce Bros. Inc.**  
P.O. Box 61  
Brookings, OR 97415  
CCB # 108497 (541) 469-9210

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

August 7, 2006

Re: Pacific Terrace PUD 01-04

Dear City Manager Dale Shaddox,

Pursuant to discussions held between Bruce Bros. and City staff, most recently the meeting held July 6<sup>th</sup> with staff and Noah Bruce, and on July 26 with Don Wilcox and Richard Wise, all items related to the stop work order still in effect have been satisfied. In accordance with the agreement reached and contained within the February 2<sup>nd</sup> letter from John Babin, completed on site plans were delivered March 7th and the corrections and requests for additional information of items from reviews were submitted, returned on April 24<sup>th</sup> completed the non-tank related submittals. At the conclusion of the meeting with Mr. Bruce, Mr. Wilcox stated that he would be summarizing the discussions and listing any further concerns or any items remaining necessitating the continuance of the red tag in a letter. We expected that if any matter remained which required completion that item would be identified within the text of the expected letter. To date, we have not received any further correspondence from any department concerning this project, but yesterday received an email indicating once again the response is forthcoming. As the subject matter in connection with the stop work order continues to evolve and seems to be a moving target, we have anxiously awaited receipt of the pending letter in order to address any new items of concern and get this project moving once again. The email indicates we will be sent a reply.

Once again on July 27<sup>th</sup>, in the latest meeting with Richard Wise, Mr. Wilcox stated the only item pending removal of the red tag was the valve design. This statement contradicts numerous previous statements and the stated position of the City that the red tag continuing to remain in effect at the project is unrelated to tank issues. None the less, the valve design has been completed and submitted. Please accord the review of this latest submittal the fast track review process discussed for red tagged projects as promised. Additionally, as the valve design delay has always been predicated upon the capacity of the water tank according to the design engineer, and with the final status pending with regards to the tank, I respectfully submit that continued enforcement of the stop work order cease.

Respectfully,

Richard Wise  
Operation Manager





T. J. BOSSARD, INC.  
CIVIL & STRUCTURAL ENGINEERING

October 25, 2006

Mr. Richard Wise  
Bruce Brothers Construction, Inc.  
P.O. Box 61  
Brookings, OR 97415

Subject: Pacific Terrace PUD Water System

Dear Richard:

In response to your request, we have reviewed our original design parameters for the subject project relative to the capacities for domestic water supply and find that the City of Brookings offsite water supply is adequate to service the project as designed and built.

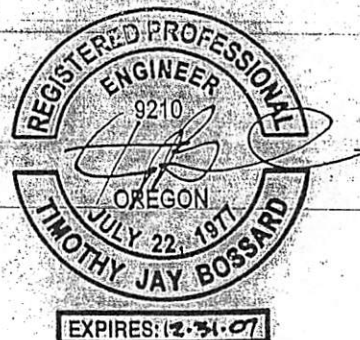
We will be available to answer any questions that may arise regarding existing or proposed water storage facilities that the City is considering as a result of your planning application to be heard on November 7, 2006 in Brookings.

If you have any questions or comments, please contact our office at (541) 858-5774.

Sincerely,

T.J. Bossard, P.E.

TJB/mjt





ARCHITECTS  
ENGINEERS  
SURVEYORS  
PLANNERS

375 PARK AVE  
COOS BAY,  
OREGON  
97420

541.269.1166  
FAX 541.269.1833  
general@hgei.com

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

September 26, 2006

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Attn: John Cowan  
Acting Public Works Director

Re: Altitude Station  
Pacific Terrace  
Project # 06.15

Dear John:

We have reviewed revised plans for the proposed altitude station for Pacific Terrace, as provided by GC Systems, Inc. The revised plan remains dated July 26, 2006, and is titled a 6" altitude valve. Final plans also include a 0-30 psi pressure gage for the outlet to the reservoir. These plans have been modified in accordance with previous reviews, and we recommend approval of the altitude station. Final site plans for the reservoir and controls have not yet been provided. Our recommendation for approval of the altitude station is based on the following conditions:

1. All proposed construction shall be provided in accordance with Brookings Standard Specifications, or to the proposed design drawings, whichever is more stringent.
2. Final as-built plans for all public infrastructure need to be prepared and signed by the Engineer to indicate that drawings are accurate and facilities were constructed under his supervision.

We appreciate the continuing opportunity to be of assistance to the City of Brookings. If you have any questions or concerns, please contact me.

Very truly yours,

HGE INC. Architects, Engineers,  
Surveyors & Planners

Richard D. Nored, P.E.  
President

RECEIVED  
SEP 28 2006  
CITY OF BROOKINGS



ARCHITECTS  
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375 PARK AVE  
COOS BAY,  
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FAX 541.269.1833  
general@hgei.com

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

August 7, 2006

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Attn: Don Wilcox  
Public Works Director

Re: Pacific Terrace Subdivision  
Status of Submittals  
Bruce Bros. Inc.  
Project # 06.15

Dear Don:

The following issues, to the best of my knowledge, remain for acceptance of the Pacific Terrace Subdivision:

1. Final as-built plans need to be completed and signed by the Engineer to indicate that drawings are accurate and facilities were constructed under his supervision. At this point, construction deficiencies and legal agreements remain that need to be resolved in a manner that as-builts can be provided for completed facilities, as originally agreed in approvals for this development.
2. The reservoir site plan has never been completed, and plans to make the reservoir operational have not been supplied at this point. This office has been requesting reservoir site plans since February of 2005. The site plan must be developed in accordance with rules and regulations of the Department of Human Services, including a fence to prohibit unauthorized entry.
3. There are no controls to make the reservoir operational, and no monitoring for system operation. This office has been requesting reservoir control data since February of 2005. As it now exists, this reservoir cannot operate in a manner that will be acceptable to the City of Brookings, and an approvable control means must be developed to allow for automatic operation of the reservoir. Details were initially proposed to be supplied under a separate cover, and repeated requests have gone unanswered. We had initially requested that preliminary plans be submitted prior to final design, to make certain that all parties were in agreement before construction.
4. An agreement was proposed for maintenance or relocation of the waterline that is not accessible at the entrance to Pacific Terrace off Old County Road. Bruce Bros. suggested an extended warrantee and other alternatives, but to my knowledge no agreement has been reached.
5. To my knowledge, testing of installed facilities has not been completed and existing construction approved for acceptance by the City of Brookings.

If you have any questions or concerns, please contact me. We appreciate 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



City of Brookings – Public Works Dept  
898 Elk Drive, Brookings, OR 97415  
(541) 469-1150 Fax: 469-3650  
[dwilcox@brookings.or.us](mailto:dwilcox@brookings.or.us)  
[www.brookings.or.us](http://www.brookings.or.us)



# Memo

To: Richard Wise, Bruce Brothers Inc.  
From: Donald Wilcox, PE, PW Dir/CE (Dtin)  
Date: August 30, 2006  
Re: Pacific Terrace – Plan approval status

---

We have reviewed revised plans set received 8/14/06, altitude station cut-sheet received 8/2/06 and sheet 25 showing the altitude station received 8/23/06. Your 8/23/06 letter states that we have accepted a submittal of a GCSytems design; however we have not approved this submittal and have many issues to resolve prior to approval. No approval of public improvements plans submitted or the GCSytems submittal has been issued. The site plan for the valve vault is specifically not approved because the overall site plan for the reservoir site is not approved.

Staff and HGE have considerable issues with much of the water system design. Please see attached comments dated 8/24/06 from HGE and **DRAFT** comments from staff. We are requesting a design report be submitted by a registered engineer to explain the basis of design, intended operation, controls, and most importantly what pressures will be at each and every lot based on the proposed system design. A meeting with your engineer, city staff and HGE present to discuss water system design would be highly advisable. We have marked up drawings from staff to discuss with your engineer, and then we can provide written requirements once we know more how the system will work. Basically we cannot perform formal review of water system components until we get the entire water system design, including a design report with narrative description of how everything will work and what pressures the houses will have, etc.

There are also the issues regarding DEQ approval of the wastewater collection system to resolve as well as reservoir site plan and other issues identified from our Planning department in separate correspondences. Please coordinate all future correspondence and submittals through John Cowan, Interim Public Works Director.

---

## Attachments

c: Dale Shaddox, John Cowan, Dianne Snow, Joe Ingwerson, Richard Christensen, file



ARCHITECTS  
ENGINEERS  
SURVEYORS  
PLANNERS

August 24, 2006

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Attn: Don Wilcox, P.E.  
Public Works Director

Re: Pacific Terrace Subdivision  
Status of Submittals  
Bruce Bros. Inc.  
Project # 06.15

375 PARK AVE  
COOS BAY,  
OREGON  
97420

541.269.1166  
FAX 541.269.1833  
general@hgei.com

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

Dear Don:

We have reviewed revised as-built plans for the Pacific Terrace Subdivision, and these appear to be acceptable with the exception of the reservoir. To my knowledge, the following issues remain to allow for acceptance of the Pacific Terrace Subdivision:

1. Final as-built plans for on-site improvements are acceptable with the exception of needed modifications to the reservoir. The issue of reservoir placement and zoning issues remain to be resolved. At this point, construction deficiencies and legal agreements remain that need to be resolved in a manner that as-builts can be provided for completed facilities, as originally agreed in approvals for this development.
2. The reservoir site plan has never been completed, and plans to make the reservoir operational have not been supplied at this point. This office has been requesting reservoir site plans since February of 2005. The site plan must be developed in accordance with rules and regulations of the Department of Human Services, including a fence to prohibit unauthorized entry. We have received a preliminary layout of an altitude valve from GGC Systems, which City staff is evaluating, but placement and details need to be completed on an acceptable site plan for the reservoir.
3. There are no controls to make the reservoir operational, and no monitoring for system operation. This office has been requesting reservoir control data since February of 2005. As it now exists, this reservoir cannot operate in a manner that will be acceptable to the City of Brookings, and an approvable control means must be developed to allow for automatic operation of the reservoir. Details were initially proposed to be supplied under a separate cover, and repeated requests have gone unanswered. We had initially requested that preliminary plans be submitted prior to final design, to make certain that all parties were in agreement before construction. Controls will need to address how levels will be maintained, and likely will involve transducers, telemetry, SCADA, etc. in addition to the proposed altitude valve.
4. An agreement was proposed for maintenance or relocation of the waterline that is not accessible at the entrance to Pacific Terrace off Old County Road. Bruce Bros. suggested an extended warrantee and other alternatives, but to my knowledge no agreement has been reached.
5. To my knowledge, testing of installed facilities has not been completed and existing construction approved for acceptance by the City of Brookings.



Letter to Don Wilcox, P.E.  
Pacific Terrace  
August 24, 2006

E - 17

If you have any questions or concerns, please contact me. We appreciate 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





# Memo

To: Richard Wise, Bruce Brothers Inc.  
 From: Donald Wilcox, PE, PW Dir/CE *(DTW)*  
 Date: August 7, 2006  
 Re: Pacific Terrace – Plan approval status

As you know, no plan approval or development permit has been issued for any public improvements for Pacific Terrace as of today. Plans have not been submitted for some of the public improvements, including the water system, and some of our comments from plan reviews regarding what have been submitted remain unanswered. In addition, there are past due plan review fees for just over \$10,000 due.

Below are the plans sets we currently have, but the information on the most current plans isn't actually the most current. Please submit 5 copies of the complete and most current on-site and off-site plans that you would like a final review performed on so we can give you a comprehensive list of items still requiring your attention. Also attached is a letter from HGE with their latest comments.

PLANS DATED	REC'D BY CITY	TITLE	SHEETS	NOTES
7/26/2006	8/2/2006	BROOKINGS ALTITUDE STATION	1	DRAWING #068804-51
11/22/2004	4/24/2006	ON-SITE IMPROVEMENTS - AS BUILT	9.0 - 9.3, 24	
11/22/2004	4/11/2006	ON-SITE IMPROVEMENTS - AS BUILT	1-32	HGE NOT APPROVED 4/22/06
11/22/2004	3/7/2006	ON-SITE IMPROVEMENTS - AS BUILT DRAWINGS	1-32	
11/22/2004	3/3/2005	ON-SITE IMPROVEMENTS (PRELIMINARY)	1-32	HGE NOT APPROVED 3/4/05
11/22/2004	10/5/2004	ON-SITE IMPROVEMENTS (SEALED AND SIGNED)	1-32	
11/22/2004	11/23/2004	ON-SITE IMPROVEMENTS (PRELIMINARY)	1-30	
9/10/2004	3/15/2005	OFF-SITE IMPROVEMENTS (PRELIMINARY)	1-10	
9/10/2004		OFF-SITE IMPROVEMENTS (PRELIMINARY)	SHT 4 ONLY	HGE NOT APPROVED 11/30/04
9/10/2004	9/28/2004	OFF-SITE IMPROVEMENTS (PRELIMINARY)	1-10	HGE NOT APPROVED 10/4/04



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375 PARK AVE  
COOS BAY,  
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97420

541.269.1166  
FAX 541.269.1833  
general@hge1.com

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

April 22, 2006

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Attn: Don Wilcox  
Public Works Director

Re: Pacific Terrace Subdivision  
Bruce Bros. Inc.  
Project # 06-15

Dear Don:

We have reviewed revised as-built plans for the Pacific Terrace Subdivision, as provided by T.J. Bossard, Inc. These plans are dramatically improved from prior versions, and the format should be generally acceptable. Our review found indication that as-builts appear to be as facilities were constructed in the ground, but construction deficiencies and legal agreements remain that need to be resolved in a manner that as-builts can be provided for completed facilities, as originally agreed in approvals for this development. Issues that need to be resolved, with as-built modifications, appear as follows:

1. Final as-built plans need to be signed by the Engineer to indicate that drawings are accurate and facilities were constructed under his supervision.
2. The reservoir site plan has no location for constructed facilities. This office has been requesting reservoir details since February of 2005.
3. There are no controls to make the reservoir operational. This office has been requesting reservoir control data since February of 2005. As it now exists, this reservoir cannot operate in a manner that will be acceptable to the City of Brookings, and an approvable control means must be developed to allow for automatic operation of the reservoir. As-Builts appear to correctly indicate facilities that have been constructed, but this configuration cannot function without additional controls.
4. An agreement was proposed for maintenance or relocation of the waterline that is not accessible at the entrance to Pacific Terrace off Old County Road. Bruce Bros. suggested an extended warranty and other alternatives, but to my knowledge no agreement has been reached.
5. Storm drainage remains a serious issue. All on-site and off-site plan reviews for this development concentrated on the fact that no stormwaters would be allowed to cross Old County Road onto properties that have experienced drainage problems before any water from this development was deposited on their property. This has been an issue since project inception, and a drainage analysis was provided in February of 2005 that suggested a lined ditch and underground drainage from the entrance of the development across Marina Heights Road on Old County Road. Review of the drainage analysis requested that underground drainage be provided on Old County Road, and that all plans would need to be modified to direct all storm waters down Old County Road.



Final plans have not yet been submitted for compliance with project requirements and the drainage analysis that was developed by Mr. Bossard. As-Builts indicate that storm waters continue to discharge across Old County Road from two locations. This situation should not be accepted.

6. On detail A/24, the outlet from all of the detention ponds should be 4", which is indicated on profiles as existing.

7. To my knowledge, testing of installed facilities has not been completed and existing construction approved for acceptance by the City of Brookings.

If you have any questions or concerns, please contact me. We appreciate 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. Dale Shaddox, City Manager
- John Bischoff, Planning Director
- John Cowan, Public Works Supervisor
- LauraLee Gray, Building Official
- Dianne Snow, Deputy City Planner
- Dennis Barlow, HGE

C. Bruce Bras  
DDP HOAG

EXHIBIT B

November 7, 2006  
Public Hearing  
Planning Commission  
Supplemental

Date:	Documentation From:	Address:	Pro or Object:	
Exhibit B		PUC-1-04/MC-2-06		
11-2-06	Pete Chasar	935 Marina Heights Rd.	Wording suggestion	
11-6-06	Harold & Sherry Gallaty	P. O. Box 7972 97671 Marina Hts. Loop		object

DIANA & PETER CHASAR  
935 Marina Heights Road, Brookings, OR 97415 • 541 469-2377 • [pjc@chasar.com](mailto:pjc@chasar.com)

November 1, 2006

Ms. Dianne Snow, Planning Director  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

RECEIVED  
NOV 2 2006  
CITY OF BROOKINGS

Dear Ms. Snow:

I have a suggested change for the Staff Report for PUD-1-04/MC 2-06.

On page 3, line six in the "New Street Alignment" section it reads: "This access is gated at its south end and is proposed to be used for emergency access only."

My suggestion is to delete "proposed" so that the language is more emphatic, as well as consistent with the wording of Condition of Approval #11.

The resulting sentence would read: "This access is gated at its south end and is to be used for emergency access only."

Sincerely,



Pete Chasar

To the Planning Commission and interested parties.

This is our third letter to you concerning the Mauna Delights Tank!!

Since we are not going to be able to attend the meeting Nov 7, 2006, we are expressing our opinion in writing on the Pacific Terrace PUD water tank.

We are very upset about the huge 40ft water tank located in our ocean view. We are looking at this eye sore from almost every room in our house.

Before the Bruce Bros. erected this Tank, we were assured it would be no higher than 15ft plus it probably wouldn't be built where it is now.

We were also told it would have a "minimal adverse impact upon adjoining properties", plus "it would not adversely affect the character of the area", instead it has severely devalued our property and has adversely affected the character of our neighbor.

We do not understand why this tank is still in our view.

The letter dated Aug 11, 2006 from Dianne Sn Planning director stated:

"Conclusion: The tank does not meet the setback requirements. The tank does not meet the height requirements in the SR-20 zone."

We are recommending that this tank be lowered with landscaping hiding it or moved to the Pacific Terrace subdivision and out of our view

RECEIVED

Sincerely,

NOV 6 2006

CITY OF BROOKINGS

Harold L. Gallaty  
Sherry Gallaty

P.O. Box 7972  
BR63, OR

- ☐ Appeal: City Council  
☐ Conditional Use Permit  
☐ County Referral

- ☒ Minor Change  
☐ Minor Partition  
☐ Major Change

- ☐ Variance  
☐ Sign Permit  
☐ Pre-Application meeting

**APPLICANT/OWNER INFORMATION:**

Applicant Bruce Bros Inc  
Mailing Address P.O. Box 61  
City Brookings State OR Zip 97415  
Telephone No. 469-9210 Fax No. 469-9230  
Representative RICHARD WISE  
Mailing Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_  
Owner (If not applicant) \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

**PROPERTY INFORMATION:**

Location Old County Rd ; MARINA HEIGHTS RD  
Assessor's Map No. 40-15-32 Tax Lot No. 1500 - (ORIG)  
Parcel Size 14.1 AC Existing Zoning SR-20  
Comprehensive Plan Designation \_\_\_\_\_  
Existing Use PUD  
Proposed Use \_\_\_\_\_  
Is water service available to the site? yes  
If no, how far to nearest city water line? \_\_\_\_\_  
Is sewer service available to the site? yes  
If no, how far to nearest city line? \_\_\_\_\_

**REQUEST:**

- ① EMERGENCY EXIT CHANGE  
② WATER TANK REMOVAL  
③ WATER TANK APPROVAL

I hereby certify that the information provided on this application is correct to the best of my knowledge and understand that any false information may result in the rejection of the application and forfeiture of all fees submitted.

Applicant's Signature

Date 9/20/06

If applicant is not the owner of the property subject to this request please have the owner sign below or attach a letter signed by the owner authorizing to act on his/her behalf.

Property Owner's Signature

Date 09/20/06

DATE 09/20/06 10/6/06

In the case of an annexation or subdivision, the complete application shall be submitted no less than 45 days prior to the date of the desired Planning Commission hearing. Failure to submit any of the applicable information listed below constitutes an incomplete application. The Site Plan/Subdivision Committee may request additional information as required to ensure compliance with this code. Submittal and acceptance of the required material will constitute clearance by the Committee. Upon clearance from the Site Plan/Subdivision Committee, the application will be scheduled for the next available Planning Commission hearing.

File No. PUD-104/  
MC-1-06

Date Received 10-3-06

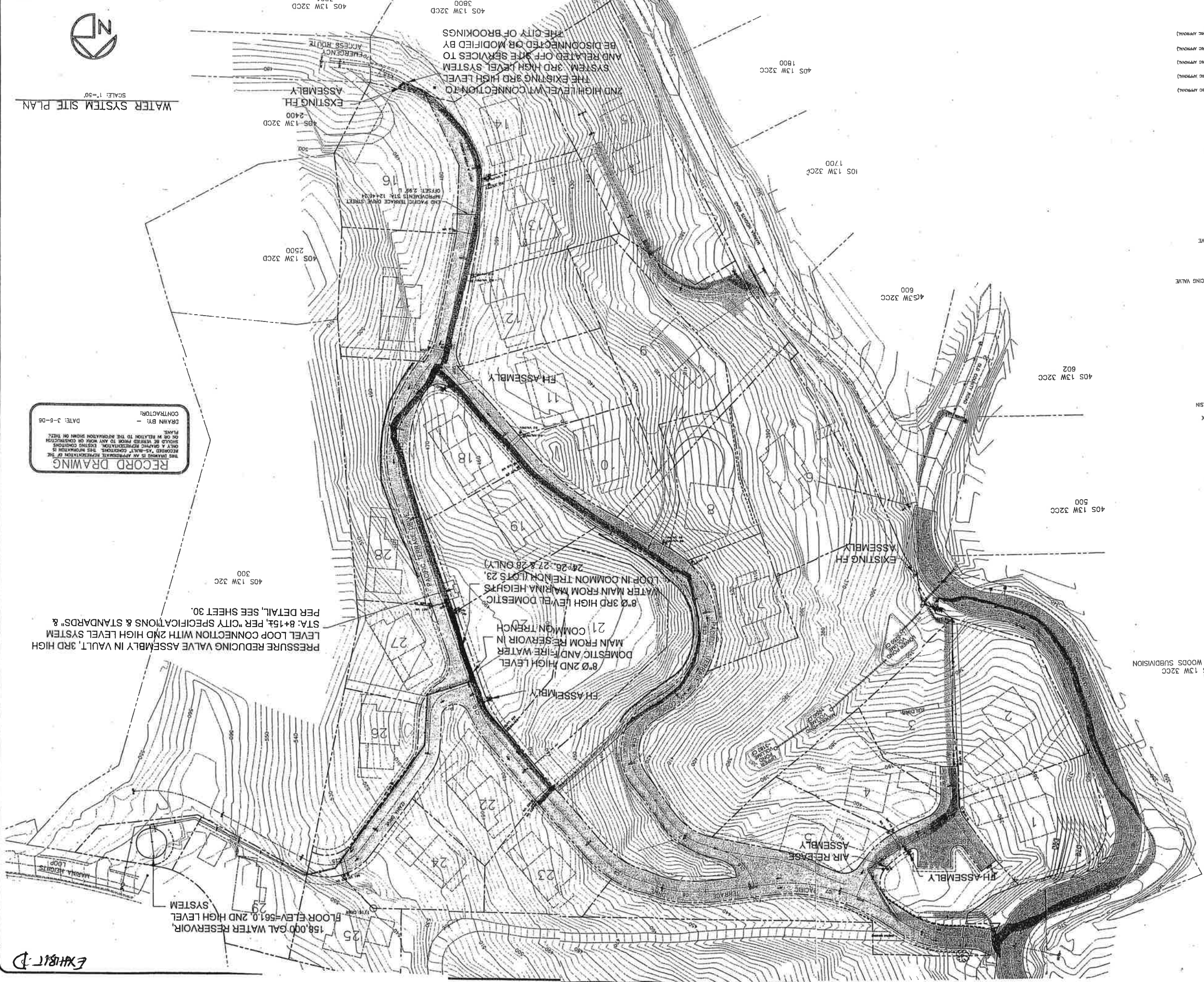
Receipt No. \_\_\_\_\_

Received by DS/cm



MEADOW WOODS SUBDIVISION  
405 13W 32CC

LEGEND	
	PROJECT PROPERTY LINE
	EXISTING EDGE OF PAVEMENT
	EXISTING SANITARY SEWER LINE
	EXISTING WATER LINE
	EXISTING STORM DRAIN LINE
	EXISTING POWER LINE
	EXISTING 2' CONTOUR LINE
	EXISTING FIRE HYDRANT
	EXISTING WATER METER
	EXISTING WATER VALVE
	EXISTING SANITARY SEWER MANHOLE
	EXISTING UTILITY POLE
	EXISTING LIGHT/UTILITY POLE
	EXISTING TV CABLE NODE
	EXISTING TELEPHONE NODE
	EXISTING ELECTRICAL SERVICE BOX
	EXISTING SD DROP INLET/CATCH BASIN
	SANITARY SEWER LINE
	WATER LINE
	STORM DRAIN LINE
	PUE
	CENTERLINE
	DITCH
	RETAINING WALL
	RETAINING BLOCK WALL
	AC
	WATER METER
	WATER METER W/ PRESSURE REDUCING VALVE
	BLOW OFF VALVE ASSEMBLY
	AIR RELEASE VALVE ASSEMBLY
	WATER SHUT OFF (WSO)/GATE VALVE
	FIRE HYDRANT ASSEMBLY
	SANITARY SEWER MANHOLE
	SANITARY SEWER CLEAN OUT
	STORM DRAIN MANHOLE
	CATCH BASIN
	DITCH INLET
	FINISHED GRADE FLOW DIRECTION
	LIGHT POLE
	10' CONTOUR LINE
	2' CONTOUR LINE
	ELECTRICAL SERVICE BOX
	ELECTRICAL SERVICE VAULT
	ELECTRICAL PRIMARY LINE
	ELECTRICAL SECONDARY LINE
	ELECTRICAL SERVICE LINE
	ELECTRICAL SERVICE LINE



RECORD DRAWING  
DATE: 3-6-06  
DRAWN BY: -  
CONTRACTOR: -  
THIS DRAWING IS AN APPROXIMATE REPRESENTATION OF THE RECORDED "AS-BUILT" CONDITIONS. THE INFORMATION IS ONLY A GRAPHIC REPRESENTATION. EXISTING CONDITIONS SHOULD BE VERIFIED PRIOR TO ANY WORK OR CONSTRUCTION ON OR IN RELATION TO THE INFORMATION SHOWN ON THIS PLANS.



REVISIONS


CREATED PER CITY COMMENTS 02/06/06  
REVISED CITY COMMENTS 02/06/06  
REVISED & MOVED SHADING SHAPE 04/22/06  
AS-BUILT 03/06/06

T.J. BOSSARD, INC.  
Civil & Structural Engineering  
133 N.W. "D" Street  
Grants Pass, OR 97626  
TEL: (541) 479-5774  
FAX: (541) 471-6004

REGISTERED PROFESSIONAL ENGINEER  
STATE OF OREGON  
NO. 5210  
JULY 27, 1998  
EXPIRES 12-31-07

PACIFIC TERRACE P.U.D.  
ON SITE IMPROVEMENTS - AS BUILT  
WATER SYSTEM PLAN  
BRUCE BROTHERS  
MAP 40-13-32, TL 1500  
BROOKINGS, OREGON 97514

DRAWN BY: -  
CHECKED BY: -  
DATE: 01/05  
SCALE: 1" = 50'  
CADDFILE: 040217-05 ON SITE  
JOB NO.: 04-037.3  
SHEET



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

In the matter of Planning Commission File No. PUD-1-04/MC-2-06; a request for a minor change to a conditional use permit and subdivision to establish a Planned Unit Development; Bruce Brothers, LLC, applicant.	)	Final ORDER
	)	and Findings of
	)	Fact
	)	
	)	

**ORDER** approving an application for a minor change to an approved Planned Unit Development to plat Sage Lane, a 175 foot private road serving lots 6 and 15, plat a cul-de-sac at the end of Izaiha Drive on lot 26, eliminate the access easement from Izaiha Dr. to Marina Heights Loop, and approve a variation to setbacks and height standards for the existing water tank on Tract A, on a 13.43± acre parcel of land located adjacent to the easterly side of Old County Rd. and Marina Heights Rd.; Assessor's Maps 40-13-32CC, Tax Lots 1501 through 1530; Zoned SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size).

**WHEREAS:**

1. The Planning Commission duly accepted the application filed in accordance with the Brookings Land Development Code pursuant to Chapter 17.116, Planned Unit Development Approval, Chapter 17.136, Conditional Uses, and Chapter 17.172.060– Subdivisions; and

2. Such application is required to show evidence that all of the following criteria for a conditional use permit have 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; and

3. Such application is also required to show evidence that all of the following criteria for a planned unit development have been met:

A. The applicant has, through investigation, planning and programming, demonstrated the soundness of his proposal and his ability to carry out the project as proposed, and that the

construction shall begin within 12 months of the conclusion of any necessary actions by the city, or within such longer period of time as may be established by the Planning Commission.

- B. The proposal conforms with the Comprehensive Plan and implementing measures of the city in terms of goals, policies, location and general development standards.
  - C. The project will assure benefits to the city and the general public in terms of need, convenience, service and appearance sufficient to justify any necessary exceptions to the regulations of the zoning district.
  - D. There are special physical conditions or objectives of development which the proposal will satisfy so that a departure from standard zoning district regulations can be warranted.
  - E. That the project will be compatible with adjacent developments and will not adversely affect the character of the area.
  - F. The project will satisfactorily take care of the traffic it generates, both on and off-site, by means of adequate off-street parking, access points, and additional street right-of-way improvements.
  - G. That the proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create major problems or impacts outside the boundaries of the proposed development site; and
4. Such application is also required to show evidence that all of the following criteria for a subdivision have been met:
- A. Conformance with the comprehensive plan, and applicable development standards of this code, and state and federal laws.
  - B. Development of any remainder of property under the same ownership, if any, can be accomplished in accordance with this code.
  - C. Adjoining property under separate ownership can either be developed or be provided access that will allow its development in accordance with this code.
  - D. Conditions necessary to satisfy the intent of the land development code and comprehensive plan can be satisfied prior to final approval.
  - E. The proposed street plan affords the most economic, safe, efficient and least environmentally damaging circulation of traffic possible under existing circumstances.
  - F. The proposed name of the subdivision shall be approved by the commission, provided the name does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Curry County, except for the words "town", "city", "place", "court", "addition", or similar words unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name, or unless the applicant files and records the consent of the party who platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed.

G. The proposed name of a street in the subdivision shall be approved by the commission provided it is not the same as, similar to or pronounced the same as the name of an existing street in the same zip code area, unless the street is approved as a continuation of an existing street. A street name or number shall conform to the established pattern for the area.

H. Streets that are proposed to be held for private use shall be distinguished from the public streets on the subdivision plat, and reservations and restrictions relating to the private streets are established.

5. 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 November 7, 2006; and

6. 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 October 30, 2006 and oral presentation of same; and

7. 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 minor change 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**

The application is supported by the Applicants' findings and those as stated below.

1. The Applicant obtained approval for a Planned Unit Development/Subdivision on July 6, 2004 to create 28 building envelope lots, a private street and common areas on a 13.43 acre parcel of land.
2. The approval of the project was based on criteria in Section 140, Conditional Uses, Section 116, Planned Unit Development and Section 176, Land Divisions, of the Land Development Code.
3. The subject property is zoned SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size) and is designated as Residential by the Comprehensive Plan.
4. The Applicant requested a minor change to the approved project in 2005 which added one additional building envelope lot, allow yard setbacks for certain lots equivalent to those of the R-2 Zone rather than the underlying SR-20 Zone, and realigned the internal street system to provide for an access point on Marina Heights Loop and abandon the connection to the emergency access point at the easement in the southerly portion of the parent parcel.

5. With the current minor change application the request is to re-instate the originally approved street configuration resulting in Izaiha Dr. ending with a cul-de-sac and utilizing the emergency access easement at the south terminus of Pacific Terrace Drive. Also requested is platting of Sage Lane to serve Lots 6 and 15. The request also includes either the removal of the water tank on Tract A or authorizing a variation to the R-2 zone setback and height requirements.
6. The water tank is located on Tract A and is subject to the R-2 Zone yard setbacks and height requirements. Those setbacks are 20 feet for the front yard and 5 feet for the side and rear yards with an increase by ½ foot for each foot over 15 feet of building height. Maximum structure height is 30 feet. The water tank is 34.5 feet in height. The tank is 7 feet 3 inches from the front property line and 9 feet from the rear property line.
7. All of the applicable Conditions of Approval applied to the original approval are still in effect unless negated, deleted or changed by the supplemental conditions added through the approval of this minor change.

## CONCLUSIONS

1. The project was approved in July of 2004. A minor change was approved in Aug. of 2005. This current minor change application considers only two elements of this approved project, street configuration and water tank siting.
2. The proposed street configuration is the same as was originally approved in July 2004. Each Lot will have the required street frontage with this configuration. The City Fire Chief, in a memo dated Oct. 24, 2006 has stated the Fire Department does not have any concerns with the proposal. A condition of approval will require the streets to be constructed as described in the staff report and shown on the plat.
3. The water tank sited on Tract A is necessary to provide water service and fire protection for the project. It will be connected to the City's water system.
4. Landscaping will provide a visual screen similar to the view neighboring properties had prior to the siting of the water tank. Implementation of a landscape plan will be a condition of approval. This mitigation measure will provide for compatibility with adjacent developments.
5. All of the applicable Conditions of Approval applied to the previous minor change approval are still in effect unless negated, deleted or changed by the supplemental conditions added through the approval of this minor change.

## 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 Minor Change.

Dated this 7th day of NOVEMBER 2006.

  
\_\_\_\_\_  
Bruce Nishioka, Chairperson

ATTEST:

  
\_\_\_\_\_  
Dianne L. Snow, Planning Director

**CONDITIONS OF APPROVAL**  
**Pacific Terrace Planned Unit Development**  
**PUD-1-04 and PUD-1-04/MC-2-06 Supplemental Conditions**  
**July 6, 2004, Amended August 2, 2005, Amended November 7, 2006**

**Nov. 7, 2006 Amendments in Bold Type**

General Conditions

1. The final plat shall be in substantial conformance with the submitted preliminary plat as amended herein and as approved by the Planning Commission.
2. Approval of this revision to the recorded final plat will expire one (1) year from approval unless the conditions of approval are met and the revised final plat is approved and recorded or unless an extension of time is requested and approved. The extension of time may be granted by the Planning Commission with good cause and will not exceed one (1) year. Should the applicant wish to proceed with the subdivision following expiration of the one (1) year extension, the preliminary plat process must be re-initiated and resubmitted to the Planning Commission for review and approval.
3. The size and shape of all lots and streets shall conform substantially with the approved revised plat. Substantial changes to the approved revised plat will require re-approval by the Planning Commission.
4. All lots shall conform to the provisions of the SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size) Zone, *as amended herein*, and to all other applicable provisions of the Land Development Code. (As amended by the Planning Commission, August 2, 2005)
5. Improvement work, including grading and fill, shall not be commenced until the City Engineer has reviewed and approved construction plans for adequacy.
6. All costs of plans checks and inspections by the City Engineer shall be paid by the applicant to the city.
7. Information on the construction plans shall be pursuant to the City of Brookings Standard Specifications document dated August 1988.
8. 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.
9. The applicant shall record with the subdivision C, C, & Rs providing for reciprocal access over and maintenance of the private street, to all lots created by the subdivision. A note to this effect shall also be placed on the final plat map.
10. The final plat map shall contain a note stating that prior to the construction *of streets, utilities and a house* on any lot within this subdivision, a geological study *and grading plan* will be required pursuant to Section 100, Hazardous Building Site Protection/Hillside Development Standards. Amended by the Planning Commission 7-6-04).
11. *Prior to any further construction on the site the southerly terminus of the new private street shall be gated and locked for use as an emergency exit only.* The applicant shall coordinate the access code for this gate with the emergency service providers. (Amended by the Planning Commission 7-6-04).
12. The gate to the entrance of the project from Old County Rd. shall be placed at least 30 feet beyond the right-of-way for Old County Rd. and the access code shall be coordinated with the emergency service

providers. The street between the gate and the Old County Rd. right-of-way shall be flat or at a grade acceptable to the City Engineer for sight distance concerns:

13. Lot 26, as shown on the approved preliminary plat map, shall have at least 20 feet of frontage on the spur street.
14. A homeowners association shall be established to provide for the maintenance of the private street system and associated gates; the common areas; and the sewer and storm drain system if they are intended to be owned by the association.
15. The C, C &Rs shall contain a clause to the effect that the city must review and approve any change or deletion of a clause required by the city to be in the C, C &Rs.
16. *Prior to any further construction on the subject property, the applicant shall record a Lot Line Adjustment to bring the included portions of Tax Lots 205 and 300 into the applicant's ownership. (Added by Planning Commission 7-6-04).*
17. *Prior to the approval of the Final Plat Map by the Planning Commission, the applicant shall cause the annexation of the portion of the subject property that currently extends outside of the city limits. (Added by the Planning Commission 7-6-04).*

#### Street Conditions

18. The private streets shall be constructed with 20 feet of pavement for the one-way portion of the street and 24 feet of pavement for the two-way sections of the streets as shown on the approved preliminary plat map.
19. A cul-de-sac on Izaiha Dr. with a radius of 35 feet in the vicinity Lot 26 shall be constructed. Sage Ln. with an existing 14 foot paved travel area and stop sign is made a part of the private street system, owned and maintained by the homeowners association as stated in the C, C, & R's. A street name sign must be erected.
20. Old County Rd. shall be improved with two paved, 12-foot travel lanes and a 4-foot paved shoulder along the frontage of the subject property. No obstructions shall be placed in the within the paved shoulder area.
21. The applicant shall dedicate to the city sufficient additional right-of-way along the frontage of Marina Heights Rd. to complete a 25 foot wide right-of-way along the easterly side of the centerline of the street. *The applicant shall execute and cause to be recorded a Deferred Improvement Agreement for future street improvements on Marina Heights Rd. (Added by the Planning Commission 7-6-04).*
22. *Prior to the recordation of the Final Plat Map, the applicant shall engineer and remove the bank-as shown in Lot 14 of the approved preliminary plat- along Old County Rd. south of the proposed entrance to improve the sight distance from the entrance of the project. Prior to the actual removal of the bank, the construction plans shall be approved by the City Engineer and removal shall be according to the approved plans. (Added by the Planning Commission 7-6-04).*
23. All street improvements shall include any required underground storm drain facilities.
24. All street improvements must be approved by the City Engineer prior to construction and all construction shall be carried out as approved by the City Engineer.
25. A "STOP" sign shall be placed on Pacific Terrace Loop at the intersection with Old County Rd.

26. A street light shall be placed at the intersection of Old County Rd. and Pacific Terrace loop as shown on the preliminary plat map, pursuant to the provisions of Section 172.050 of the city's Land Development Code.
27. A street name sign shall be placed at the intersection of Old County Rd. and Pacific Terrace Loop.

#### Sanitary Sewer and Storm Drain Conditions

28. The applicant shall extend sewer service mains into the new private street system and through the other areas of the property as necessary. Service laterals shall be extended to each lot within the subdivision.
29. *The applicant shall extend a sewer main into the Old County Rd. right-of-way from the current terminus to the northerly boundary of the subject property.* (Added by the Planning Commission 7-6-04).
31. *The applicant shall extend a sewer main into the Marina Heights Rd. right-of-way from the current terminus at the intersection of Old County Rd. and Marina Heights Rd. to the southeasterly boundary of the subject property.* (Added by the Planning Commission 7-6-04).
32. 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.
33. The location of all sewer laterals shall be appropriately marked on the curb in a permanent manner.
34. An easement shall be granted to the City over all of the sewer mains throughout the project, unless the mains are intended to be owned by the homeowners association. The width of the easements shall be approved by the City Engineer
35. Any portion of the sewer main that is outside of the driveway shall be provided with a drivable surface suitable to accommodate repair vehicles.
36. All drainage from the subject property including roof drains shall be engineered in a manner that protects down stream properties from water flow greater than currently exists.
37. All storm drains shall be installed pursuant to the provisions of the Standard Specifications document.
38. All storm sewer mains that are located outside of a street right-of-way shall be provided with an access easement as required by the City Engineer, unless the storm drain system is to be owned by the homeowners association.
39. Prior to the construction of the detention basin in the location shown on the approved preliminary plat map, the applicant's engineer shall consult with a geologist to determine the feasibility of the basin due to the presence of the potentially hazardous slope just above that location.
40. All sanitary and storm sewers plans shall be approved by the City Engineer prior to construction and all construction shall be carried out as approved by the City Engineer.

#### Water System Conditions

41. A water tank shall be constructed in the location shown on the preliminary plat map and connected to the city's water system. If the engineers determine that a different site is more appropriate, then a tank shall be constructed in that location.



42. The City Engineer will do calculations to determine if the water tank was sized to serve parcels outside of the approved 29 lot Planned Unit Development (PUD). If the tank has more capacity than is needed to serve this approved PUD, a reimbursement formula will be determined and administered by the City to provide pay-back to the Applicant for future use of this portion of the tank. *(As amended by the Planning Commission.)*
43. The water tank, 34.5 feet in height, on Tract A approved in this minor change application has a front yard setback of 7 feet 3 inches and a rear yard setback of 9 feet. The Applicants have submitted photos, a plot plan and narrative describing what landscaping has been done and agree to additional landscaping deemed necessary to screen the water tank from view of the adjacent property owners. The Applicant must submit a landscape plan prepared by a licensed landscape architect that accomplishes the following: vegetation at least 15 feet in height at the time of planting and of sufficient density and spacing that the water tank will be blocked from view for the first 15 feet in height the entire length of the existing cedar fence. This vegetation must be of a type that will eventually grow to a height that will entirely screen the tank from view along the cedar fence. Irrigation must be provided and landscaping maintained in a healthy condition. The landscape plan must be reviewed and approved by the City. This landscaping must be implemented prior to obtaining final approval and recording of the revised plat.
44. All lots within the subdivision shall be served by the city domestic water supply system.
45. The applicant shall extend water mains into the private street. Service laterals shall be extended to each lot within the subdivision.
46. 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.
47. Water meters shall be clustered at common lot lines to the extent possible.
48. All water system plans shall be approved by the City Engineer prior to construction and all construction shall be carried out as approved by the City Engineer.
49. A fire hydrant shall be located as shown on the approved preliminary plat map.
50. An easement shall be granted to the city over all water mains constructed for this project. The width of the easement shall be determined by the City Engineer.

#### Utilities

51. All utility lines, including but not limited to, electric, communication, street lighting, and cable television shall be placed underground throughout the subdivision. This includes undergrounding of services from existing overhead utilities.
52. All utility easements shall be clearly defined as to their scope, purpose and term, preferably to be included within the restrictive covenants which are to be recorded with the subdivision plat. The abbreviation "PUE" must be clearly defined and spelled out.
53. All proposed easements shall be clearly shown in dashed lines on the plat including the size and locations as required by the affected utilities, public agencies and service companies.
54. A continuous five (5) foot "PUE" adjacent to the right-of-way on Old County Rd., Marina Heights Rd., Marina Heights Loop, and all of the private streets, shall be provided to be utilized for water related equipment (meters, valves, etc. and other utilities (electrical pedestals, street lights, telephone and other

facilities).

55. The applicant shall be responsible to coordinate final acceptance of all proposed "PUE's" with the affected utilities, public agencies and service companies prior to final plat approval.
56. The applicant shall coordinate the placement of mailboxes with the U. S. Postal Service. Mailboxes shall be placed in a manner that does not obstruct the sidewalk area.

#### Restrictive Covenants

57. In order for retaining walls, fences, etc, to be constructed within the remaining public right-of-way in back of and abutting the sidewalks the applicant shall incorporate in the covenants a "hold harmless" clause absolving the city and/or utilities of any liability or responsibility for the replacement of such appurtenances within the right-of-way should it be necessary to remove same to make repairs to existing facilities or install new facilities therein.

#### Bond and Agreement

58. Prior to the Planning Commission certification of the final plat, the applicant shall install the required improvements.
59. The applicant shall file, to assure his full and faithful performance thereof, one of the following: 1) surety bond executed by a surety company authorized to transact business in the State of Oregon, 2) cash, or 3) an irrevocable standby letter of credit from a bank of savings and loan association. The assurance of full and faithful performance shall be for a sum approved by the City Manager sufficient to cover the cost of the improvements, engineering, and repair of existing streets and other public improvements damaged in the development of the subdivision, and must be approved by the City Attorney as to form and content. The performance bond shall guarantee the improvements to be free of defects for one (1) year after written acceptance by the City Manager.

Supplemental condition added with the approval of the Minor Change added by The Planning Commission, August 2, 2005.

60. The final plat map shall contain the following note: "Lots 14, 15, 16, 17, 23, 24, 25, 26, 27, and 28 shall meet the appropriate setback standard of the SR-20 Zone. *All other lots are allowed to have yard setbacks as follows:*

*Front ..... 20 feet*

*Side..... 5 feet*

*Rear..... 5 feet*

*Side and rear yard setback shall increase by ½ foot for each foot of building height over 15 feet.*

*Building height shall be determined as defined in the Land Development Code.*

*(Amended by the Planning Commission, August 2, 2005)*