



## Agenda

City of Brookings  
Regular Council Meeting  
Brookings City Hall Council Chamber  
898 Elk Drive, Brookings Oregon  
January 9, 2006 7:00 p.m.

### **I. Call to Order**

### **II. Pledge of Allegiance**

### **III. Roll Call**

### **IV. Ceremonies/Appointments/Announcements**

- A. Ceremonies
  - 1. Presentation of Certificate of Appreciation to Michael Cooper, 25-Year Work Anniversary [page 5]
- B. Election of Council President/Council Liaison Appointments [page 7]
- C. Announcements

### **V. Scheduled Public Appearances**

- A. Bruce Chambers – Habitat for Humanity [page 9]

### **VI. Oral Requests and Communications from the Audience**

- A. Committee and Liaison reports
  - 1. Chamber of Commerce
  - 2. Council Liaisons
- B. Unscheduled

### **VII. Regular Agenda**

- A. Approval of towing ordinance [page 15]  
POLICE DEPT.: Ordinance No. 06-O-571, An Ordinance Declaring Some Motorvehicles to be Nuisances and Authorizing the Tow of Some Motorvehicles for Violation of Brookings City Ordinances or Oregon Revised Statues

## **VIII. Consent Calendar**

- A. Approval of Council Meeting Minutes
  - 1. Meeting of December 12, 2005 [page 33]
- B. Acceptance of Planning Commission Minutes
  - 1. Meeting of October 26, 2005 [page 39]
  - 2. Meeting of November 1, 2005 [page 45]
  - 3. Meeting of November 9, 2005 [page 49]
  - 4. Meeting of November 15, 2005 [page 55]
- C. Acceptance of Parks and Recreation Commission Minutes
  - 1. Meeting of October 20, 2005 [page 55]
- D. Approval of vouchers for month of December, 2005 (\$379,217.67) [page 57]
- E. Acceptance of a deed for a 20' wide waterline easement from Daniel and Linda Backman [page 63]
- F. Approval of Southern Oregon Coast Regional Housing Center Memorandum of Understanding [page 67]
- G. Approval of budget calendar and budget officer [page 73]
- H. Acceptance of Safety Committee Minutes
  - 1. Meeting of December 16, 2005 [page 75]

**End Consent Calendar**

## **IX. Ordinances/Resolutions/Final Orders**

- A. Final Orders
  - 1. Final Order in the matter of Planning Commission denial of a side yard setback variance; File No. VAR-3-05; Appeal File No. APP-3-05; Kenneth Byrtus, appellant. [page 81]

## **X. Remarks from Mayor and Councilors**

- A. Council
- B. Mayor

## **XI. Adjournment**

# Events Calendar

## January 2006

January 2006							February 2006						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7				1	2	3	4
8	9	10	11	12	13	14	5	6	7	8	9	10	11
15	16	17	18	19	20	21	12	13	14	15	16	17	18
22	23	24	25	26	27	28	19	20	21	22	23	24	25
29	30	31					26	27	28				

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					January 1, 2006 City Hall CLOSED - New Years Day
2	3	4	5	6	7
City Hall Closed - New Year's Day 9:30am CC- VIPS/Volunteers in Police Service/Marvin Parker	8:30am CC-Investigator/Patrol Information Sharing 3:30pm KURY Radio Community Focus 7:00pm CC City Council mtg	12:00pm Community Agencies 1:30pm CC Land 2:30pm FH-SafetyComMtg/ 7:00pm CC City Council Mtg 7:00pm PoliceReserves held	8:15am CC-CmtyDevDpt Staff mtg/EWait 9:00am CC-Crm Stoppers 10:00am CC- Site Plan Com 7:00pm CC City Council Mtg		8
9	10	11	12	13	14
7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	3:30pm KURY Radio Community Focus 4:00pm FH Health Fair mtg 7:00pm CC-Planning Commssn	10:00am FH-Brookings Rural Fire District-Phil Co 1:30pm CC Land Development Code 6:00pm CC Goal Setting Dept	8:15am CC-CmtyDevDpt Staff mtg/EWait 10:00am CC- Site Plan Com 1:00pm CC City Plan 3:00pm CC Urban Renewal		15
16	17	18	19	20	21
8:00am CITY OFFICES CLOSED - Martin 9:30am CC-VIPS/Volunteers 6:00pm CC-American Red 7:00pm FH-FireTng/ChShrp	8:30am CC-Investigator/Patrol Information Sharing Meeting-Barbara Palic 3:30pm KURY Radio Community Focus	1:30pm CC Land Development Code committee 6:00pm CC Goal Setting w/ dept heads review	8:15am CC-CmtyDevDpt Staff mtg/EWait 10:00am CC- Site Plan Com 1:00pm CC-Municipal Court 2:00pm CC-CEP (Citizens for	1:30pm CC Meeting of summer field participates	22
23	24	25	26	27	28
7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	3:30pm KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	1:30pm CC Land Development Code committee 6:00pm CC Goal Setting	8:15am CC-CmtyDevDpt Staff mtg/EWait 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-P & R Jt Mtg.	4:00pm FH Helmet Instruction w/Marvin 2259	CC Traffic School with Marvin 225 10:00am Health Fair at
30	31				29
CC City Council mtg (tentative) 7:00pm FH-FireTng/ChShrp (Fire Hall)	3:30pm KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)				

CC Council Chamber  
FH Fire hall

# Events Calendar

## February 2006

February 2006						
S	M	T	W	T	F	S
5	6	7	1	2	3	4
12	13	14	8	9	10	11
19	20	21	15	16	17	18
26	27	28	22	23	24	25

March 2006						
S	M	T	W	T	F	S
5	6	7	1	2	3	4
12	13	14	8	9	10	11
19	20	21	15	16	17	18
26	27	28	22	23	24	25

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
		February 1	2	3	4
		12:00pm CC Comnity Agencies mtg 1:30pm CC Land Development Code 2:30pm FH-SafetyComMtg/ Kathy Dunn 7:00pm FH-PoliceReserves	8:15am CC-CmtyDevDpt Staff mtg/EWait 9:00am CC-Crm Stoppers 10:00am CC- Site Plan Com Mtg/LauraLee Gray		5
6	7	8	9	10	11
9:30am CC- VIPS/Volunteers in Police Service/Marvin Parker 7:00pm FH-FireTng/ChShrp (Fire Hall)	8:30am CC-Investigator/Patrol Information Sharing Meeting-Barbara Palic 3:30pm KURY Radio Community Focus 7:00pm CC-Planning Commssn	1:30pm CC Land Development Code committee	8:15am CC-CmtyDevDpt Staff mtg/EWait 10:00am CC- Site Plan Com Mtg/LauraLee Gray 3:00pm CC Urban Renewal Advisory Committee		12
13	14	15	16	17	18
7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	10:00am FH-Brookings Rural Fire District-Phil Cox-469-5729 3:30pm KURY Radio Community Focus Talk Show w/City Staff/Council (KURY	1:30pm CC Land Development Code committee	8:15am CC-CmtyDevDpt Staff mtg/EWait 10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:00pm CC-Municipal Court	9:30am CC Saftey Committee Mtg Parker 2259	19
20	21	22	23	24	25
CITY OFFICES CLOSED-President 9:30am CC-VIPS/Volunteers in Police Service-BP 6:00pm CC-American Red Cross Mtg/Karen 7:00pm FH-FireTng/ChShrp (Fire Hall)	8:30am CC-Investigator/Patrol Information Sharing Meeting-Barbara Palic 3:30pm KURY Radio Community Focus 7:00pm CC Planning Commission meeting	1:30pm CC Land Development Code committee	8:15am CC-CmtyDevDpt Staff mtg/EWait 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Parks & Rec Comm/City Manager		CC Traffic School with Marvin 225
27	28				26
7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	3:30pm KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)				



# Certificate of Appreciation

Awarded to

Michael Cooper

for 25 years of dedicated service to the  
citizens of the City of Brookings,  
honored this 9th day of January, 2006



*Pat Sherman*  
\_\_\_\_\_  
Mayor Pat Sherman

*Dale Shaddox*  
\_\_\_\_\_  
City Manager Dale Shaddox

## STAFF REPORT

Date: January 9, 2006  
To: City Councilors  
From: Mayor Pat Sherman  
Subject: Council Appointments *PS*

## REPORT

City Councilors are appointed each year to various positions or liaisons to both City and outside committees and commissions. The process for appointments is for the Mayor to make the appointment with approval of the City Council. Once the appointments are approved a full list will be distributed.

Below are my recommendations.

Mayor Pat Sherman –  
Curry County

Councilor Jan Willms –  
Curry County Recycling Committee  
City Parks & Recreation Commission

Councilor Craig Mikelson –  
City Planning Commission  
Coos Curry Douglas Business Development Corporation  
Coastal Policy Advisory Committee on Transportation  
Oregon Coastal Zone Management Association  
Urban Renewal Agency Advisory Committee

Councilor Larry Anderson –  
Chetco River Watershed Council  
Harbor Sanitary District  
Southern Oregon Watershed Coordinating Council

Councilor Dave Gordon –  
American Music Festival  
Local Public Safety Coordinating Council (LIPSYNC)  
Port of Brookings Harbor  
Southwest Advisory Committee on Transportation  
Del Norte County Airport Commission

In addition to the above appointments I recommend Council Larry Anderson as Council President.

MAYOR'S RECOMMENDATION

1. Move to approve the list of appointments as presented.
2. Move to appoint Councilor Anderson to Council President.



# COUNCIL AGENDA REPORT

To: Mayor & City Council

From: City Manager

Date: December 29, 2005

Re: Habitat for Humanity Request for Waiver/Discount of Fees

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## Recommendation:

It is recommended that the City Council not approve any fee waivers or discounts from adopted fees.

## Background /Discussion:

Attached is a letter from the Curry County Habitat for Humanity. The letter requests that the City Council waive Systems Development Fees (SDC's) and all other fees associated with obtaining a building permit from the City. It also requests consideration for a reduction in fees charged if the Council does not approve a complete fee waiver.

The City Attorney has indicated that there is no legal prohibition to the City Council granting this request.

My caution to the Council is that, while there is no legal prohibition to the Council granting the request, doing so will most certainly encourage further such requests from other parties. Another consideration is that if these fees are not collected from this applicant the deficient amounts would have to come from elsewhere, most probably the City's General Fund. While the deficiencies in SDC funds would be felt at the time of constructing future projects, the deficiencies caused by waiving building permit fees would have an immediate impact on the current fiscal year budget as those fees are intended to offset the staff costs of running our Building division.

Also please keep in mind that the basic premise of the Habitat for Humanity program is construction cost savings through "sweat equity".

Other City Councils in Oregon have granted fee waivers, as reported in the attached summary copied from a survey on SDC's posted on the League of Oregon Cities web site.

Financial Impact(s):

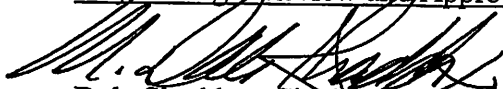
The granting of this request would have the following estimated financial impacts (note that the fees listed below are at current rates):

Streets SDC:	\$ 258.00
Parks SDC:	57.00
Sanitary Sewer SDC:	6,700.00
Water SDC:	776.00
Storm Drain SDC:	88.00
Building Permit Fees:	1,132.00 (based on valuation of \$200,000 construction costs)

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Total Financial Impact: \$9,011.00

City Manager Review and Approval for placement on Council Agenda:



Dale Shaddox, City Manager



received  
12-05-05 DC

December 4, 2005

To: The City of Brookings  
Dale Shaddox, "City Manager"  
898 Elk Drive  
Brookings, Or. 97415

Re: Map No. 41-13-05BB TL 1000  
Property ID 19001 (Duplex Lot)  
Owner: Habitat For Humanity

Dear Dale and Council Members;

Habitat for Humanity has been in the Brookings area for approximately seven years and has been affiliated with the National Habitat for Humanity Association since 2001.

We have procured a duplex lot that will accommodate two families. We have tremendous support from local businesses, suppliers and sub-contractors as well as general labors and would like to start the building process as soon as possible. However we have limited funds and this may delay the start of construction. One of our huge stumbling blocks is the "System Development Fee" as well as all the other associated and required fees needed to acquire a "Building Permit".

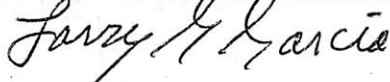
We humbly and respectfully ask that you waive all fees or significantly reduce these fees in order to assist us in starting the very first Habitat for Humanity project here in Brookings. These are exciting times for us and you, as there is a community outcry for "Affordable Housing" it is an issue that comes up at almost every Public Hearing and most of the City Council Meetings.

My great Aunt was fond of saying, "There is never a wrong time to the right thing"! As elected and appointed officials and City employees, we are asking for your help to be a part of this endeavor and to make a commitment to do the right thing. Please grant our wishes and waive all fees associated to this proposed project.

Humbly and respectfully submitted,

  
Jim Collis / Acting Director

c/o Larry G. Garcia  
Active Volunteer for Habitat for Humanity





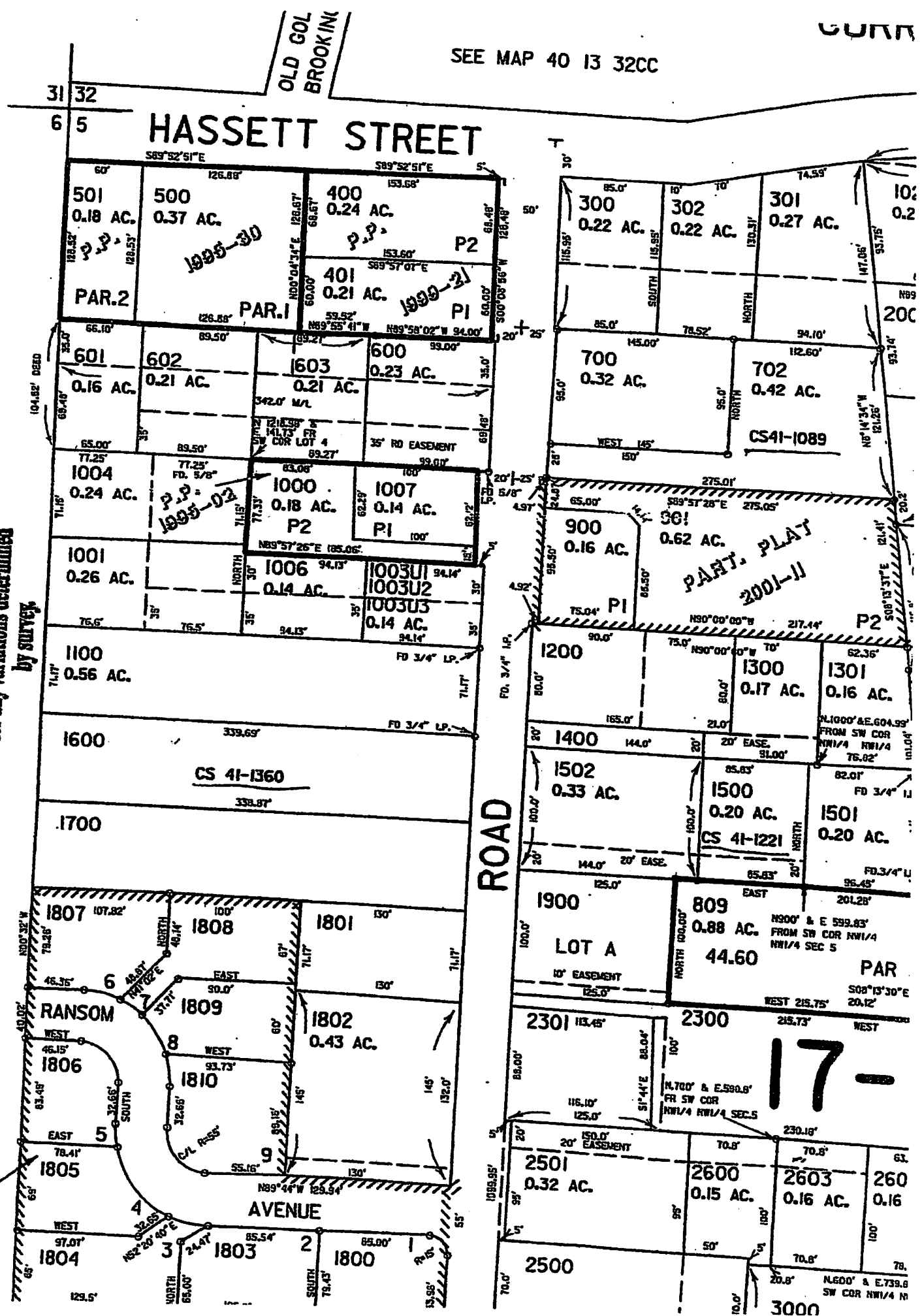
PH: (541) 412-7166 ~ (877) 774-7166

E-mail: [www.curryhfh.org](http://www.curryhfh.org)

41-13-58B

This sketch is for location purposes only and no liability is assumed for any variations determined by survey.

SEE MAP 41 13 6AA  
ER  
AGE  
DIVISION





# 2004 LOC Systems Development Charges Survey

## SYSTEMS DEVELOPMENT CHARGES - Waivers

SDC WAIVERS							
City	Affordable Housing	Non-Profits	Schools	City Projects	Local Governments	Urban Renewal	Other
Albany	Parks SDC Only						
Columbia City				✓			
Corvallis							✓
Dayton				✓			
Glendale		✓		✓			
Hillsboro							Public Buildings
Lake Oswego				✓			✓
Madras		✓	✓	✓	✓	✓	
Metolius				✓			
Newberg						Downtown	
Sherwood				✓			
Sweet Home	✓			✓			
The Dalles		✓			✓		Econ. Dev.

% of Responding Cities with SDCs that offer waivers: 26.5%

### CITIES THAT DO NOT OFFER SDC WAIVERS (or did not answer)

Aumsville	Cornelius	Hermiston	Monmouth	Talent
Bandon	Cottage Grove	Idapha	Myrtle Creek	Troutdale
Beaverton	Dufur	Klamath Falls	Salem	Tualatin
Boardman	Durham	Lafayette	Sandy	Waldport
Brownsville	Estacada	Lebanon	St. Helens	West Linn
Cascade Locks	Grants Pass	Lowell	St. Paul	Woodburn
Cave Junction	Happy Valley	Medford	Tigard	Wheeler
Coburg				

# Habitat for Humanity eager to break ground

By Marjorie Woodfin  
Pilot staff writer

Members of the Curry County Habitat for Humanity chapter are looking forward to breaking ground to build two condominiums on their flag lot on Pioneer Road.

Habitat members Bruce Chambers and Paul Guernsey visited the lot recently to explain the access from Pioneer Road.

Matthew and Valerie Quale and their two children, who were chosen in 2003 to be the first Curry County family to own a Habitat home, are looking forward to beginning investing "sweat equity" in building next year.

The Pioneer Road lot that has been acquired by the group for the first Habitat home is zoned for two dwellings, so another family will be chosen early next year to occupy the second condominium to be constructed.

The Habitat group will be holding an application orientation meeting in mid-February for families desiring to apply for the second home. Habitat for Humanity has stringent requirements for families who receive Habitat homes, including a modest income and the ability to invest "sweat equity" in the actual building process.

The Curry County group has been working since 1998, first going through the lengthy process of becoming officially recognized by the international organization in June 2000.

Finding a suitable affordable building site has been a difficult task, and the members are gratefully looking forward to actually breaking ground in early 2006. Currently they are working on obtaining all the required permits.

The next step will be to ask city council to request that the

city waive the permit fees for the Habitat home, or if that is not possible, to allow some reduction in cost allowing more funding for the construction. The request is scheduled to be made at the Jan. 9 council meeting.

Because of health problems and change of residence, the board is short several members, and anyone with an interest in assisting in the construction is encouraged to attend the next meeting Jan. 24 in the conference room at Coldwell Banker Real Estate office on Chico Avenue. The meeting is currently scheduled for 1 p.m. However, Chambers and Guernsey said the time might be changed to allow high school students who have expressed an interest in the project to attend after school.

Habitat members and the Quales were encouraged earlier this month by a posthumous bequest from Marjorie Horton, who specified that the



The Pilots Marjorie Woodfin  
Paul Guernsey and Bruce Chambers stand at corner of lot where Habitat for Humanity plans to build a two-unit condominium off Pioneer Road.

money be used specifically for building the home for Valerie and Matt Quale.

Horton's daughter, Michelle Tidwell said, "My mother was a very giving person and has

always supported Habitat for Humanity, as well as many other groups."

Anyone interested in making a tax-deductible donation to Habitat before the close of the year can phone Chambers at (541) 469-7755. Anyone wanting information about Habitat for Humanity or the Brookings project is encouraged to phone Chambers.

# CITY OF BROOKINGS

## City Council Agenda Report



**Date:** January 9, 2006

**To:** Mayor & City Council

**From:** Police Chief Chris Wallace 27813/201

**Subject:**

Vehicle Tow/Impounding/Nuisance **Ordinance #06-O-571.**

**Recommendation:**

Staff recommends the approval of the above listed **Ordinance #06-O-571.**

**Background /Discussion:**

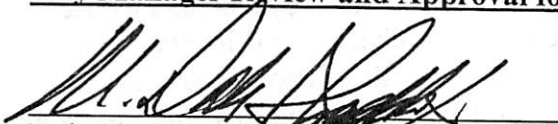
Pursuant to Oregon Revised Statute Chapters 801 thru 823, the city of Brookings can adopt an ordinance to tow, impound, and conduct forfeitures of vehicles when the drivers of those vehicles have met certain criteria, described by Oregon Law. (Including but not limited to driving while suspended, DUII, non-insured)

This ordinance allows the city to tow certain vehicles that have met the standard and to recover the administrative and towing costs. The Ordinance will give the city another tool to combat these types of drivers to help make the streets of Brookings safer for all motoring public.

**Financial Impact(s):**

There should be no financial impact to the city as the administrative fees collected should cover any and all costs associated with the implementation of this ordinance.

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

  
Dale Shaddox, City Manager

# CITY OF BROOKINGS POLICE DEPARTMENT

Chris Wallace, Chief of Police



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## CITY OF BROOKINGS ORDINANCE NO. 06-O-571

**AN ORDINANCE DECLARING SOME MOTORVEHICLES TO BE NUISANCES AND AUTHORIZING THE TOW OF SOME MOTORVEHICLES FOR VIOLATION OF BROOKINGS CITY ORDINANCES OR OREGON REVISED STATUTES.**

**THE CITY OF BROOKINGS ORDAINS AS FOLLOWS:**

**Section 1. DEFINITIONS.** As used in this ordinance, unless the context requires otherwise, the following definitions apply:

- A.) "Owner of motor vehicle" shall be the same definition as that of Oregon Revised Statute 801.375 or any successive definition.

**Section 2. VEHICLE(S) SUBJECT TO FORFEITURE:**

- A.) A motor vehicle being operated by a person whose operator's license is suspended, canceled, or revoked for any felony conviction under Oregon Vehicle Code (Oregon Revised Statute Chapters 801 thru 823, inclusive) is declared a nuisance and subject to forfeiture.
- B.) A motor vehicle being operated by a person whose operator's license is suspended, canceled, or revoked as a result of a conviction for Driving Under the Influence of Intoxicants in violation of the provisions of Oregon Revised statute Chapter 813 is declared a nuisance and subject to forfeiture.

- C.) Forfeiture proceeding pursuant to this ordinance shall be done in accordance with the provisions of Oregon Law.

**Section 3. VEHICLE(S) SUBJECT TO IMPOUND:**

- A.) Notwithstanding section 1 above, whenever a motor vehicle is being operated by a person whose operator's license or driving privilege is suspended, canceled, or revoked and a traffic citation is issued or a physical arrest made for any violation of Oregon Vehicle Code or Brookings City Ordinance, or the driver of the motor vehicle is without proof of liability insurance as required by the Oregon Vehicle Code, the motor vehicle is subject to immediate tow by a licensed towing company.
- B.) Whenever the owner of a motor vehicle has failed to transfer the title or failed to register the vehicle, the motor vehicle shall be subject to immediate tow by a licensed towing company.

- C.) A vehicle being operated by a motorist who is taken into police custody for any reason, but which the vehicle is not otherwise subject to impound, shall be subjected to tow to protect the property and interest of the person arrested and the City of Brookings.
- D.) A vehicle towed shall be towed to a storage place licensed by the State of Oregon for purposes of vehicle impound or storage.
- E.) A vehicle towed for reasons of suspended, unlicensed, unprivileged or uninsured driver may be redeemed by the owner upon presentation of a valid operator's license and proof of insurance.
- F.) Vehicles towed and unclaimed or unredeemed may be disposed of after a time and in a manner by the tow company as prescribed by Oregon Law. All notices and actions associated with the disposed of any unclaimed or unredeemed vehicle is the responsibility of the tow company having taken the possession of the vehicle.

#### **Section 4. TOWING AND STORAGE LIENS, COSTS:**

- A.) The owner of a motor vehicle, when redeeming the impounded vehicle, shall be responsible for any and all towing storage fees owed to the towing company.
- B.) The owner of an impounded vehicle shall pay the City of Brookings an administrative fee of \$100.00 at the time the vehicle is authorized for release. The amount of the administrative fee can be adjusted by the City of Brookings Council by resolution.
- C.) A vehicle towed under Section 3, paragraph C, shall not be subject to the administrative fee established in Section 4, paragraph B, but will be responsible for all Towing fees to the Towing Company.
- D.) Any towing company taking a vehicle into custody under provisions of this ordinance shall have a lien on the vehicle for the just and reasonable towing and storage charges, may retain possession of the vehicle until charges are paid, and may have the vehicles sold at public auction to satisfy the lien. The lien that attaches to the vehicle shall be a possessory chattel lien in accordance with ORS 87.142 and shall be foreclosed in the manner provided in ORS 87.152 to 87.212. If the appraised value of the vehicle is \$750.00 or less, the vehicle shall be disposed of in the manner provided in ORS 819.220.

#### **Section 5. HEARING:**

- A.) Request for hearing
  - 1. The owner of the vehicle must request a hearing within five calendar days.
- B.) Hearing Procedure
  - 1. When a timely request for a hearing is made, a hearing shall be held before a Municipal Judge.
  - 2. The hearing shall be set and conducted within the next scheduled Municipal Court session. The hearing may be set for a later date if the owner so requests.
  - 3. At the hearing the person may contest the validity of the impound, providing proof of insurance for the vehicle and driver at the time of the tow and providing proof of the validity of the driver's privilege at the time of tow.

4. The City of Brookings shall have the burden of providing by a preponderance of evidence the validity of the impound. The city may present by oral or written testimony of the Police Officer and all documents which provide testimony of the cause for impound.

C.) Decision of the Municipal Judge

1. If the Municipal Judge finds that the impound of the vehicle was proper, the Judge shall:
  - a.) Enter an order supporting the removal, and
  - b.) Find that the owner is liable for any towing and storage charges resulting from the impound; and
  - c.) Find the owner is liable for the costs of the tow hearing, including costs of the Municipal Court and any witnesses.
2. If the Municipal Judge finds that the impound of the vehicle was improper, the Judge shall:
  - a.) Order the vehicle released to the owner;
  - b.) Find that the owner is not liable for any towing and storage charges resulting from the impound; and
  - c.) Order the City to satisfy the towing and storage lien.
3. Any time an owner of a vehicle properly insured at the time of the traffic stop present such proof to the Municipal judge, but in where proof of such insurance was not provided the Police Officer at the time of the stop, a decision of proper impound shall be entered.
4. The decision of the Municipal Judge is final.

D.) Failure to appear at Hearing

If the person requesting a hearing does not appear at the scheduled hearing, the Municipal Judge may enter an order supporting the impound and assessment of towing and storage costs, and shall add an assessment for the costs of the Municipal Court and any witnesses who appear at the time set for hearing.

Approved as to form by Brookings City Attorney. \_\_\_\_\_ Date: \_\_\_\_\_

INTRODUCED AND ADOPTED by the city of Brookings Council and signed by me in authentication of its passage the \_\_\_\_ day of \_\_\_\_ 2006.



898 ELK DRIVE  
BROOKINGS, OR. 97415  
[www.brookings.or.us](http://www.brookings.or.us)  
Phone: (541) 469-3118  
Fax (541) 412-0253





**BROOKINGS POLICE DEPARTMENT**

**GENERAL ORDER 49**

**TOW / IMPOUNDMENT**

**49.1 PROCEDURES FOR IMPOUNDMENT OR TOWING OF VEHICLES:**

**49.2 STATUTORY IMPOUNDS**

**49.3 CUSTODY TOWS**

- 49.3.1 Driver Arrested with Tow**
- 49.3.2 Driver Arrested without Tow**
- 49.3.3 Stolen Motor Vehicles**
- 49.3.4 Driver Hospitalization**
- 49.3.5 Evidence of a Crime**
- 49.3.6 Other Circumstances for Custody Tows**
- 49.3.7 Stolen Checks**

**49.4 RELEASE OF IMPOUNDED VEHICLES**

- 49.4.1 Ownership of Vehicle**
- 49.4.2 Payment of Tow Company**

**49.5 NONCUSTODY TOWS**

- 49.5.1 Non-custody Towing Procedures**
- 49.5.2 Requesting Non-custody Wreckers**

**49.6 HEARING**



**BROOKINGS POLICE DEPARTMENT**

**General Order 49**

**TOW / IMPOUNDMENT**

**Effective Date:** September 1, 2005  
**Annual Review Date:** 2007, 2009, 2011  
**Issuing Authority:** Chris Wallace, Chief of Police

**PURPOSE**

To establish the necessary guidelines governing the towing and impoundment of vehicles and the use of tow companies.

**POLICY**

The Brookings Police Department makes Tows / Impoundments as necessary. The department will remove vehicles from the public ways within the city of Brookings; to ensure the safe unobstructed movement of traffic; to make sure security of property coming into the department's possession is adequate, and promptly make proper dispositions and notifications. The Department will assist the public with non-custody tow requests in an equitable manner, following a rotation list.

**49.1 PROCEDURES FOR IMPOUNDMENT OR TOWING OF VEHICLES:**

**A Police Officer who has probable cause to believe that a person is driving a vehicle in violation of one or more of the following:**

1. Driving While Suspended or Revoked (ORS 811.175 or 811.182)
2. Driving under the influence of Intoxicants (ORS 813.010)
3. Operating without driving privileges or in violation of license restrictions (ORS 807.010)
4. Driving Uninsured (ORS 806.010)

**May, without prior notice, order the vehicle impounded until a person with right to possession of the vehicle complies with conditions for release or the vehicle is ordered released by a hearings officer (ORS809.716; ORS809.720)**

## **BROOKINGS POLICE DEPARTMENT**

The Brookings Police Department will Tow / Impound motor vehicles if they are in violation of the State of Oregon Vehicle Code. These vehicles include but are not limited to: abandoned vehicles, hazardous vehicles, and immobilized vehicles and vehicles stopped for the following traffic offenses:

Regarding items 1 – 4, (Traffic Offenses) the Brookings Police Department will not tow a vehicle unless a citation is issued by our agency.

The Brookings Police Department must keep timely and accurate records on all custody tows and make dispositions promptly.

We help with other vehicle tows at request of victims of crime or traffic problems, such as traffic accidents. These non-custody tow requests must be handled in a fair and equitable manner for victims and the businesses supplying such services.

- a. A vehicle impounded at the request of a member of this department shall be taken to the towing company's storage lot, unless the vehicle requires special processing or security as determined by the on duty supervisor, at which time the vehicle may be towed to a destination approved by the supervisor.
- b. The department member who impounds the vehicle shall complete the Towed Auto Report.
- c. A property sheet will be filled out listing inventoried items of value, with one copy left in the vehicle.
- d. If the operator is not the registered owner, the initiating officer shall cause dispatch personnel to enter the towed / impounded vehicle's information into LEDS, stating the reason for the tow. Information shall also be given to a supervisor if the vehicle is being held for investigative purposes.
- e. Within 48 hours of the tow (excluding weekends and holidays), the officer will complete and send by certified mail, a "Notice of Impoundment " of the Vehicle to the owners of the vehicle and any lessors or security interest holders as shown in the records of the Department of Transportation.
- f. Within 24 hours of the tow (excluding weekends and holidays), a copy of the Towed Auto Report will be given to the Brookings Municipal Court Judge who is the hearing officers on towed vehicles.

**BROOKINGS POLICE DEPARTMENT**

**g.** All original paperwork will stay in the case file with the initial report.

**h.** When the owner of the vehicle comes to retrieve the vehicle upon compliance of all the requirements and has paid the \$100.00 fee

1. The Brookings Police Employee will sign the release section of the original Towed Auto Report

2. The employee will also sign the driver's copy of the Towed Auto report.

3. The \$100.00 and a copy of the Towed Auto Report will be given to the Chief of Police or his designee to be deposited in the city's account

**i.** All paperwork will be placed into the original case file and kept for one year.

**j.** For abandoned vehicles, the following shall apply:

You are authorized to remove and impound vehicles abandoned on the streets or other public places under the following circumstances:

1. Traffic Obstruction - When a person leaves a vehicle unattended upon a street and is an obstruction to the normal movement of traffic or obstructs the use of any traffic way or alleyway adjoining said street.

2. Unlawfully Parked - When a vehicle is parked in a prohibited area as designated by signs or other official markings.

3. Invalid License Plates - When a vehicle is parked upon a street without having valid license plates properly displayed thereon.

4. Overtime Parking - When a vehicle is parked upon any property owned, maintained or operated by the City for parking of motor vehicles and a person leaves the vehicle parked longer time than lawfully permitted.

5. City Property - When a person leaves a motor vehicle unattended on any property owned or controlled by the City that is not designated for parking of motor vehicles.

## **BROOKINGS POLICE DEPARTMENT**

Officers who discover a possible abandoned vehicle shall post the vehicle. Officers will complete an incident report insuring that all LEDS related information is obtained. The report will then be forwarded to the supervisor responsible for the processing of the case.

### **49.2 STATUTORY IMPOUNDS**

a. The Oregon Revised Statutes authorize the department to tow vehicles cited for violation of ORS 806.010 Driving Uninsured; ORS 813.010 Driving under the Influence of Intoxicants; ORS 807.010 Driving without Privileges of Driving in Violation of License Restrictions; or ORS 811.175 or 811.182 Driving While Suspended or Revoked.

b. It is the policy of the department the procedures set forth in ORS 809.715 to .725 shall be followed when those statutes provide the authority for the officer to impound a vehicle. The department may provide members with a form to effectuate the state statutes.

### **49.3 CUSTODY TOWS**

Use towing companies as specified on the tow rotation list and complete the vehicle section on the Brookings Police report for each custody tow. Handle towing and impounding motor vehicles as follows:

#### **49.3.1 Driver Arrested with Tow**

When you make an arrest (outside of the above listed Vehicle Codes and ORS) and a motor vehicle remains unattended, impound and tow the motor vehicle under the following conditions:

- Driver Arrested - Arrestee was driving vehicle immediately before arrest;
- Occupant Arrested - Arrestee was in the vehicle, stopped or parked, immediately before arrest and the owner is not available or known;
- Arrestee States Responsibility - Arrestee was in immediate vicinity of vehicle just before arrest, and states responsibility for the vehicle; or

## **BROOKINGS POLICE DEPARTMENT**

- **Vehicle Condition** - Condition of the vehicle will not permit operation without violating City ordinances or State Revised Statutes.

### **49.3.2 Driver Arrested without Tow**

Do not tow vehicles after arresting a person (outside of the above listed Vehicle Codes and ORS) under the following circumstances:

- **Vehicle at Residence** - When arrestee's vehicle is parked at or in immediate vicinity of owner's residence. However, remove the ignition key and lock the vehicle (if it can be locked).
- **Vehicle in Custody of Owner** - When arrestee does not own the vehicle, and the owner is present and able to take custody. Release the vehicle to custody of the owner.
- **Vehicle in Custody of Other Proper Person** - When arrestee is owner of the vehicle, and requests to leave vehicle in custody of another person. If that person is present and able to take custody, then release the vehicle to custody of the designated person.

### **49.3.3 Stolen Motor Vehicles**

Take the following steps when you find a vehicle previously reported stolen or taken without owner's consent:

- **Investigation of Incident** - Make a preliminary investigation, trying to identify the suspect. This includes processing the vehicle and scene for physical evidence and if you have reason to believe the suspect will probably return, surveillance of the vehicle.
- **Disposition of Vehicle** - Avoid towing or impounding a vehicle when possible. If a vehicle can be properly released in a reasonable time to the owner or a person named by the owner, do not tow it. If you have arrested a suspect, however, the vehicle becomes physical evidence.

**BROOKINGS POLICE DEPARTMENT**

**49.3.4 Driver Hospitalization**

Impound and tow a vehicle when persons are hospitalized and unable to provide for custody or removal of their disabled vehicle from a street or highway.

**49.3.5 Evidence of a Crime**

Impound and tow a vehicle known or believed used in committing a crime and has evidentiary value.

**49.3.6 Other Circumstances for Custody Tows**

Impound and tow a vehicle when state or federal laws call for the vehicle to be seized and impounded. Such cases include:

- Controlled Substances - Vehicles transporting controlled substances unlawfully;
- Untaxed Commodities - Vehicles transporting untaxed liquor or cigarettes;
- Explosive Devices - Vehicles transporting unregistered explosive devices;
- Vehicle Identification Numbers - Vehicles bearing an altered or defaced VIN, or where someone has removed the VIN.

**49.3.7 Stolen Checks**

When you impound a motor vehicle, promptly check attached state registration plates, any state license plates found inside the vehicle, and vehicle identification number through the state law enforcement information system and NCIC to determine if someone has reported it stolen.

## **49.4 RELEASE OF IMPOUNDED VEHICLES**

### **49.4.1 Ownership of Vehicle**

The owner must go to the tow company in person and establish proof of ownership by a title or bill of sale. Police Department personnel shall determine ownership in some other manner before the vehicle is released if these documents are not available.

### **49.4.2 Payment of Tow Company**

All towing charges on vehicles in the towing company's storage yard will be paid prior to the release of the vehicle.

A written request from the department is required prior to any release of vehicle at the department's request.

A copy of forms regarding a vehicle shall be placed in the case file upon release of the vehicle.

The release of the towed vehicle's information from LEDS shall be the responsibility of Police Dispatch.

## **49.5 NONCUSTODY TOWS**

Non-custody tows are requests by citizens for aid to remove their vehicle. Tow service operators are generally responsible for removal of debris from the streets at the scene as directed by the personnel in charge. Notify proper agencies to clean up large spills of solid materials, liquids calling for special equipment, and hazardous materials.

### **49.5.1 Non-custody Towing Procedures**

- **Personal Preference** – Officers shall determine if the motorist has a preference for a towing company. Officers shall honor and communicate this preference whenever possible.



## **BROOKINGS POLICE DEPARTMENT**

- Person has no Preference - If the motorist is unable to state a preference, the officer will advise dispatch to send a "non-preference tow" selected from the rotation list.
- In an extreme emergency situation, an officer may summon the closest tow company to the scene.
- Do Not Recommend Tow Services - Do not recommend a tow company.

If possible the officer should remain with the motorist until the tow company has arrived.

### **49.5.2 Requesting Non-custody Wreckers**

When requesting a non-custody tow, tell communications approximate size and condition of the vehicle and other details as necessary:

## **49.6 HEARING**

**If a hearing is requested:**

1. All original paperwork dealing with the tow / impoundment will be given to the Brookings Municipal Court Judge who will be the hearing officer. A copy of all documentation will then be retained by Brookings Police for one year. The Brookings Municipal Court will keep all originals for one year.

**809.720 Impoundment for specified offenses; grounds; notice; release.** (1) A police officer who has probable cause to believe that a person, at or just prior to the time the police officer stops the person, has committed an offense described in this subsection may, without prior notice, order the vehicle impounded until a person with right to possession of the vehicle complies with the conditions for release or the vehicle is ordered released by a hearings officer. This subsection applies to the following offenses:

(a) Driving while suspended or revoked in violation of ORS 811.175 or 811.182.

(b) Driving while under the influence of intoxicants in violation of ORS 813.010.

(c) Operating without driving privileges or in violation of license restrictions in violation of ORS 807.010.

(d) Driving uninsured in violation of ORS 806.010.

(2) Notice that the vehicle has been impounded shall be given to the same parties, in the same manner and within the same time limits as provided in ORS 819.180 for notice after removal of a vehicle.

(3) A vehicle impounded under subsection (1) of this section shall be released to a person entitled to lawful possession upon compliance with the following:

(a) Submission of proof that a person with valid driving privileges will be operating the vehicle;

(b) Submission of proof of compliance with financial responsibility requirements for the vehicle; and

(c) Payment to the police agency of an administrative fee determined by the agency to be sufficient to recover its actual administrative costs for the impoundment.

(4) Notwithstanding subsection (3) of this section, a person who holds a security interest in the impounded vehicle may obtain release of the vehicle by paying the administrative fee.

(5) When a person entitled to possession of the impounded vehicle has complied with the requirements of subsection (3) or (4) of this section, the impounding police agency shall authorize the person storing the vehicle to release it upon payment of any towing and storage costs.

(6) Notwithstanding subsection (3) of this section, the holder of a towing business certificate issued under ORS 822.205 may foreclose a lien created by ORS 87.152 for the towing and storage charges incurred in the impoundment of the vehicle, without payment of the administrative fee under subsection (3)(c) of this section.

(7) Nothing in this section or ORS 809.716 limits either the authority of a city or county to adopt ordinances dealing with impounding of uninsured vehicles or the contents of such ordinances except that cit-

**809.716 Hearing on impoundment.** (1)

A person entitled to lawful possession of a vehicle impounded under ORS 809.720 may request a hearing to contest the validity of the impoundment. A request must be made within five calendar days after the date that notice of the impoundment is mailed, as evidenced by the postmark, not including Saturdays, Sundays or holidays. The request shall be made to a person designated by the impounding police agency to receive such requests.

(2) When a timely request for a hearing is made, a hearing shall be held before a hearings officer designated by the impounding police agency. The hearing shall be set for four calendar days after the request is received, excluding Saturdays, Sundays and holidays, but may be postponed at the request of the person asking for the hearing.

(3) The impounding police agency shall have the burden of proving by a preponderance of the evidence that there were reasonable grounds to believe that the vehicle was being operated in violation of ORS 806.010, 807.010, 811.175, 811.182 or 813.010. The police officer who ordered the vehicle impounded may submit an affidavit to the hearings officer in lieu of making a personal appearance at the hearing.

(4) If the hearings officer finds that the impoundment of the vehicle was proper, the hearings officer shall enter an order supporting the removal and shall find that the owner or person entitled to possession of the vehicle is liable for usual and customary towing and storage costs. The hearings officer may also find the owner or person entitled to possession of the vehicle liable for costs of the hearing.

(5) If the hearings officer finds that impoundment of the vehicle was improper, the hearings officer shall order the vehicle released to the person entitled to possession and shall enter a finding that the owner or person entitled to possession of the vehicle is not liable for any towing or storage costs resulting from the impoundment. If there is a lien on the vehicle for towing and storage charges, the hearings officer shall order it paid by the impounding police agency.

(6) A police agency may contract with another agency or entity to conduct hearings under this section. [Formerly 806.016; 1997 c.514 §4; 1999 c.1061 §284a; 2001 c.748 §3]

# CITY OF BROOKINGS POLICE DEPARTMENT

Chris Wallace, Chief of Police



## NOTICE OF IMPOUNDMENT OF VEHICLE

Date: \_\_\_\_\_

To: \_\_\_\_\_

A police officer who has probable cause to believe that a person is driving a vehicle in violation of one or more of the following:

ORS 806.010	(Driving Uninsured);
ORS 811.175	(Infraction driving while suspended or revoked);
ORS 811.182	(Criminal driving while suspended or revoked);
ORS 813.010	(Driving while under the influence of intoxicants); or
ORS 807.010	(Operating a vehicle without driving privileges or in violation of license restrictions)

may, without prior notice, order the vehicle impounded until a person with right to possession of the vehicle complies with the conditions for release or the vehicle is ordered released by a hearings officer (ORS 809.715). As authorized under these laws, the Brookings Police Department have taken into custody and impounded the following vehicle.

\_\_\_\_\_  
(Color)                      (Year)                      (Make)                      (Style)

\_\_\_\_\_  
(State)                      License # \_\_\_\_\_, vehicle identification # \_\_\_\_\_  
(License)                      (VIN)

The above-described vehicle was operated by \_\_\_\_\_  
(Name)

on \_\_\_\_\_ in \_\_\_\_\_  
(Street / Highway)                      (County)

County on \_\_\_\_\_ at \_\_\_\_\_  
(Date)                      (Time)

## **Hearing Rights:**

A person entitled to lawful possession of the impounded vehicle may request a hearing under ORS 809.716 to contest the validity of the impoundment and to contest the reasonableness of the charges for towing and storage if a hearing is timely requested. **A request must be made in writing within five calendar days of the impoundment notice, as evidenced by the postmark.** If the request for hearing is sent by mail, it must be postmarked within five calendar days of the date of vehicle impoundment notice, (this letter). The request must be provide to:

Brookings Police Department  
Attn: Chief of Police  
898 Elk Drive  
Brookings, Or. 97415

A hearings request must contain the person's full name, address, drivers license number, daytime telephone number and when the person can be reached during the weekday, 9:00am to 5:00pm., the names of and daytime telephone numbers for any persons (e.g. attorney, witnesses) expected to participate in the hearing, date of impoundment, the vehicle registration number, a description of the vehicle impounded, a description of the person's interest in the vehicle, (e.g. owner, lessor, security interest holder), and a brief statement why the person believes the impoundment was improper.

When a timely request for a hearing is made, a hearing shall be held before a hearing officer of an agency designated and contracted by the Brookings Police Department to conduct the hearing. All hearings are conducted by telephone unless the person can demonstrate a need for an in-person hearing. Hearings will be held four calendar days after the hearing request is received, excluding weekends and holidays, but may be postponed at the request of the person asking for the hearing. If you are willing to waive the four day statutory time limits and can be flexible about the time the hearing is to be set, please indicate this in your hearing request.

The purpose of the hearing is to determine whether the impoundment of the vehicle was proper under ORS 809.715 and/or ORS 809.720. If the hearing officer finds that the impoundment of the vehicle was proper, the hearings officer shall enter a proposed order upholding the impoundment and finding the owner or person entitled to possession of the vehicle liable for the cost of the hearing. If the impoundment is found to be proper, then the requirements for the release of the vehicle, described above are applicable. The final order shall be issued by the Chief of Police or his designee.

If the hearings officer finds that impoundment of the vehicle was improper, the hearings officer shall issue a proposed order with a finding that the owner or person entitled to possession of the vehicle is not liable for any towing or storage charges resulting from the impoundment, and the vehicle is to be released to the owner or person entitled to possession. If there is a lien on the vehicle for towing and storages charges, the hearings officer's proposed order shall order it paid by the Brookings Police Department. If the final order issued by the Chief of Police or his designee agrees with the proposed order of the hearings officer directing payment by the Brookings Police Department, then the owner or person entitled to lawful possession can take the final order to the place of storage to have the vehicle released, without payment of the towing and storage costs.

Sincerely,

Chris Wallace  
Brookings, Chief of Police  
898 Elk Drive  
Brookings, Or. 97415

The vehicle was towed by \_\_\_\_\_,  
(Tow Company Name) (Address)

\_\_\_\_\_ and is stored at \_\_\_\_\_  
(Phone) (Address)

The vehicle is subject to towing and storage charges. The towing and storage charges as of this date of notice are \$\_\_\_\_\_, and the storage charges accrue at the rate of \$\_\_\_\_\_ per day. A lien may be attached to the vehicle and its contents for unpaid towing and storage charges, and the vehicle and its contents may be sold for payment of such a lien. A separate notice of that procedure will be provided when applicable.

The impounded vehicle will be released to a person entitled to lawful possession upon

- a) proof of compliance with financial responsibility requirements for the vehicle;
- b) payment to the Brookings Police Department of an administrative processing fee of \$100.00 (certified check or money order only, payable to the Brookings Police Department; personal checks are not accepted); and
- c) Proof that person with valid driving privileges will be operating the vehicle is also required if the vehicle was impounded for the offense of driving while suspended or revoked, driving while under the influence of intoxicants, or operating without driving privileges or in violation of license restrictions. Proof of compliance and the administrative fee must be presented to the Brookings Police Department 9:00am to 5:00pm, Monday thru Friday (excluding holidays) The Brookings Police Department will then issue an authorization for release, which can be presented to the person storing the vehicle.
- d) The vehicle will be released upon payment of the towing and storing charges to the towing company.

Acceptable proof of compliance with financial responsibility requirements includes the following:

An unexpired motor vehicle liability policy card for the particular vehicle which meets the standards set forth in ORS806.080;

An unexpired motor vehicle liability insurance binder issued by the insurance company for the particular vehicle which meets the standards set forth in ORS806.080

A letter on insurance company letterhead that verifies current insurance coverage and that is signed by an insurance company agent or underwriter.

A certificate of self insurance issued by DMV under ORS 806.130 naming the owner of the particular vehicle

Safekeeping receipt for a \$60,000.00 security deposit with the Oregon State Treasurer issued under ORS 806.115;

A \$60,000.00 surety bond which meets the requirements of ORS 806.090; or

A displayed Oregon Dealer plate unless dealership does not sell motorized vehicles and has completed a "Certificate of Exemption for Vehicle Liability Insurance"

**CITY OF BROOKINGS  
COMMON COUNCIL MEETING MINUTES  
City Hall Council Chambers  
898 Elk Drive, Brookings, OR 97415  
December 12, 2005 7:00 p.m.**

**I. Call to Order**

Mayor Pat Sherman called the meeting to order at 7:00 p.m.

**II. Pledge of Allegiance**

Led by Police Officer Dustin Watson

**III. Roll Call**

Council Present: Mayor Pat Sherman, Council President Larry Anderson, Councilors Jan Willms, Craig Mickelson, and Dave Gordon, Ex Officio Councilor Susan Stadelman, a quorum present.

Council Absent: None

Staff Present:

City Manager Dale Shaddox,  
City Attorney John Trew,  
Community Development Director Ed Wait  
Police Lieutenant John Bishop,  
Police Officer Dustin Watson  
City Planner John Bischoff,  
Finance Director Paul Hughes,  
and Administrative Assistant Donna Colby-Hanks

Media Present: Curry Coastal Pilot Reporter Brian Bullock

Other:

Approximately 15 other citizens

**IV. Ceremonies/Appointments/Announcements**

**A. Announcements**

**1. Introduction of Police Officer Stephen Clarke**

Police Lieutenant John Bishop stated Police Officer Stephen Clarke was unable to attend the meeting. Bishop described Officer Clarke's background and stated he was a good addition to the department.

**2. Introduction of Police Officer Dustin Watson**

Police Lieutenant John Bishop reviewed Police Officer Dustin Watson's history and introduced him to the Council. Watson stated he was looking forward to his new position.

Mayor Sherman announced the deadline for submitting completed applications for the Planning Commission and Parks and Recreation Commission vacancies was February 3, 2006.

## **V. Public Hearing**

- A. *Appeal of a Planning Commission decision denying a variance, VAR-3-05, to a side yard setback for a RV garage on property belonging to Kenneth Byrtus, identified as Assessor's Map 41-13-06CD, Tax lot 102.*

Mayor Sherman reviewed the application and asked for exparté contact. Councilors Mickelson and Willms visited the site and Councilor Anderson had visited it numerous times. Mayor Sherman stated she was a neighbor. No personal bias was declared and there were no challenges from the audience. Mayor Sherman reviewed the hearing procedure.

City Planner John Bischoff reviewed the staff report and answered questions about the sequence of the subdivision and the placement of structures on the property.

### **Applicant/Agent**

John Babin, 512 Chetco Ave, Brookings, spoke about the previous ownerships of the parcels in question and described how the encroachment had been discovered. Babin read a letter received from Eldon Gossett into the record. The Council requested clarification of maps in the record.

Tom Hoshall, Stuntzners Engineering, P.O. Box 2748, Brookings, explained he prepared the survey in 2004 and the only previous survey to show the property line in question was in 1979. The required setbacks were clarified.

Ken Byrtus, applicant, 1105 Byrtus Place, Brookings, reviewed his ownership and the history of the properties and emphasized the cost he had incurred in this process. Byrtus entered **Exhibit "U"**, a picture showing the garage constructed in 1992, into the record.

### **Opposition**

None.

### **Interested parties/agencies**

Eldon Gossett, 1012 Easy Street, stated he could understand the confusion over the location of the property line and was in favor of the variance.

There was no rebuttal.



### **Planning Department Comments**

Bischoff stated no building permit was obtained to approving the garage constructed in 1992 and lowering the roof of the RV garage by 4' would resolve the setback issue.

John Babin entered **Exhibit "V"**, a letter from Marshall Ferg, Brookings Building Official, dated 12-02-92 into the record.

Mayor Sherman closed the public hearing at 8:25 pm. The applicant waived the additional seven (7) days to submit written testimony and requested the Council proceed to a decision. The Council deliberated on the application.

**Councilor Mickelson moved, a second followed, and the Council voted, Councilors Willms and Mickelson in favor and Councilors Gordon and Anderson and Mayor Sherman against, overturning the Planning Commission's denial and granting the variance. Motion failed.**

**Councilor Gordon moved, a second followed, and the Council voted, Councilors Mickelson, Gordon, and Anderson and Mayor Sherman in favor and Council Willms against, upholding the Planning Commission decision and denying the variance. Motion carried.**

**Councilor Willms moved, a second followed, and the Council voted unanimously to direct staff to prepare a final order and findings for VAR-3-05.**

The meeting recessed at 8:40 pm and reconvened at 8:45 pm.

- B. Request for a Comprehensive Plan/Zone Change, CPZ-1-05, from Residential to Open Space and from R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) to PO/S (Public Open Space) on property belonging to the City of Brookings, identified as Assessor's Map 40-14-36AD, Tax lot 1900.*
- 1. Final Order in the matter of Planning Commission File No. CPZ-1-05; application for a Zone Change; City of Brookings, applicant.*
  - 2. Ordinance No. 05-O-570, An Ordinance amending the Comprehensive Plan designation on a parcel of land located on East Harris Heights Road from Residential to Open Space and the zoning from R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) to PO/S (Public Open Space)*

**Councilor Mickelson moved, a second followed, and the Council voted unanimously to withdraw CPZ-1-05 from the agenda.**

## **VI. Oral Requests and Communications from the Audience**

### **A. *Committee and Liaison reports***

#### **1. *Chamber of Commerce***

None.

#### **2. *Council Liaisons***

Councilor Willms attended a Health Fair meeting, two Azalea Park Foundation meetings, three sessions with ASPIRE students, the Joint Management Agreement (JMA) Work session, and a Curry County Recycling Committee meeting.

Councilor Anderson attended a school board meeting, Land Development Code review meeting, city/school partnership meeting, Community Agencies meeting, and a Chetco Watershed council meeting.

Mayor Sherman attended a school board meeting, a Brookings/Harbor Educational Foundation meeting, a Community Collaboration summit meeting, a South West Area Health Education Council meeting, a focus group for Curry Even Start, the Community Tree lighting, Chamber Forum, Azalea Park Foundation meeting, and Community Agencies meeting.

Councilor Gordon attended a Del Norte Airport meeting, a Southwest area community transportation meeting, a Chamber Marketing meeting, and the JMA Work session.

Councilor Mickelson attended two Planning Commission meetings, the JMA Work session, an Urban Renewal Advisory meeting, and the Chamber Marketing meeting.

Ex Officio Stadelman attended a student/superintendent advisory board meeting, ASPIRE meetings, numerous sporting events, Doernbecher fundraising, Elks meeting to receive an award, and was selected as an Azalea Princess.

### **B. *Unscheduled***

Larry Aslinger, 439 Buena Vista, Brookings, requested clarification of exparté contact and additional advertising of Council work sessions.

## **VII. Staff Reports**

### **A. *Finance Department***

#### **1. *Ratification of Union Contract***

Finance Director Paul Hughes reviewed the staff report and advised the only addition was on-call and standby pay for Public Works and Wastewater. There was a question regarding one position which will be

researched by Hughes. The Council and Mayor commended Hughes for his work.

**Councilor Gordon moved, a second followed, and the Council voted unanimously to approve the Collective Bargaining Agreement for General Employees with Teamsters Local #223 for the term July 1, 2005-June 30, 2008 as proposed.**

*2. Approval of Inspector position and salary range*

Finance Director Paul Hughes reviewed the staff report and clarified the code enforcement portion of the position. The Public Works Director would supervise this position.

**Councilor Mickelson moved, a second followed, and the Council voted unanimously to approve the Inspector job description and the salary range of \$2,873 - \$3,850/month, Range 13 of the 2005/2006 wage scale.**

*B. Fire Department*

*1. Approval of bid award for 8 new Bendix King Digital Mobil radios*  
City Manager Dale Shaddox reviewed the staff report and explained one bid received did not meet the criteria.

**Councilor Anderson moved, a second followed, and the Council voted unanimously to approve purchase of the 8 Bendix King radios to MyComm, Inc.**

*2. Approval of purchase of Firefighter I & II training DVD's to Action Training Systems.*

City Manager Dale Shaddox reviewed the staff report and advised both purchases for the Fire Department were within the budgeted amount.

**Councilor Gordon moved, a second followed, and the Council voted unanimously to approve purchase of the Firefighter I and II training DVD's to Action Training Systems.**

*C. City Manager*

*1. Approval of Work Session date with Park and Recreation Commission on February 26, 2006 7:00 pm to discuss ODOT proposals/options for the Chetco Ave./5<sup>th</sup> Street intersection.*

City Manager Dale Shaddox reviewed the staff report and clarified the date of the meeting as January 26, 2006. The Council and staff discussed the timeline and procedure for the proposal/options for the Chetco Ave./5<sup>th</sup> Street intersection.

**Councilor Mickelson moved, a second followed, and the Council voted unanimously to agree to conduct a joint study session with Parks and**

Recreation Commission at its regular meeting of January 26, 2006,  
7:00 pm in the Council Chamber.

2. *Other*

None.

### **VIII. Consent Calendar**

- A. *Approval of Council Meeting Minutes*
    - 1. *Meeting of November 14, 2005*
  - B. *Approval of vouchers for month of November, 2005 (\$ 284,043.77)*
  - C. *Approval of Liquor License Application for Pancho's Cantina Y Restaurante*
  - D. *Acceptance of a deed from Mahar/Kessler Properties LLC for Lot 46 of Vista Ridge Subdivision for water tank location*
  - E. *Approval of dates for budgetary goals work sessions*
- End Consent Calendar*

**Councilor Mickelson moved, a second followed, and the Council voted unanimously to approve the consent calendar as published.**

### **IX. Remarks from Mayor and Councilors**

#### **A. Council**

Councilor Anderson commented on the process required to accomplish removal of the trailer at 400 Hillside.

#### **B. Mayor**

Mayor Sherman invited citizens to stop by City Hall and choose a tag off the tree to donate a gift to Oasis House.

### **X. Adjournment**

Councilor Willms moved, a second followed, and the Council voted unanimously by voice vote to adjourn at 9:37 pm.

Respectfully submitted:

Pat Sherman  
Mayor

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

\_\_\_\_\_  
Paul Hughes  
Finance Director/City Recorder

**MINUTES**  
**BROOKINGS PLANNING COMMISSION**  
**Special Meeting**  
**October 26, 2005**

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

*Commissioners Present:*

Jim Collis	Randy Gorman
Rick Dentino	Ron Hedenskog
Bill Dundom	Bruce Nishioka

*Staff Present:*

Ed Wait, Director of Community Development, John Bischoff, City Planner, Dianne Snow, Senior Planner; City Attorney John Trew, Cathie Mahon, Community Development Secretary and Lauri Ziemer, Inter-departmental Aide.

*Media:* Coastal Pilot reporter, Brian Bullock

*Other:*

Councilors Mickelson, and Willms  
Approximately 100 participants in the audience

**CHAIRPERSON ANNOUNCEMENTS**

Chair Nishioka announced to the commissioners that Bill Smith had submitted his resignation from the Commission.

**MINUTES**

1. By a 5-0-1 vote (motion: Commissioner Dentino; Commissioners Collis, Dentino, Dundom, Hedenskog and Nishioka voted in the affirmative; Commissioner Gorman abstained due to absence) the Commission approved the minutes of October 4, 2005.

**THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON WRITTEN REQUESTS AND COMMUNICATION**

1. By a 6-0 vote (motion: Commissioner Hedenskog) the Planning Commission will send a favorable recommendation to City Council regarding File No. **CPZ-1-05**, a request for a Comprehensive Plan change from a Residential designation to a Open-Space designation and a zone change from R-1-6 (Single-family Residential, 6,000 square foot minimum lot size) to PO/S (Public Open Space), for the purpose of allowing the placement of a new water tank; located on a private street named East Harris Heights Road located on the east side of Seacrest Lane; Assessor's Map 40-14-36AD, Tax Lot 1900; City initiated.

Commissioner Dundom stated he owns property near the subject property but could hear the request without bias. Commissioners Hedenskog and Dundom declared ex parte due to a site visit. There was no challenge from the audience as to the jurisdiction of the Commission to hear the request.

2. The Public Hearing was opened for File No. **ANX-3-05**, a request to annex 607 acres of land consisting of 14 tax lots in seven different ownerships located on the side and top of the area known as *Harbor Hills*, including 3.5± miles of Highway 101 right-of-way extending from the Brookings city limit line on the Chetco River Bridge, south to the southerly property line of the subject property abutting the highway; identified as Assessor's Maps 41-13-10, Tax Lot 300; 41-13-14, Tax Lots 200, 201, 203, 300, 307, 308, 310, 312; 40-13-15A, Tax Lot 100; 40-13-15B, Tax Lots 5200, 5300, and 40-13-15DA, Tax Lots 100, and 101; HW3, LLC, applicant. The Planning Commission will send City Council a recommendation on the matter.

File No. **ANX-3-05** was opened at 7:30 p.m. The Chairman outlined the procedure of the meeting explaining the applicant would present their testimony followed by those who would like to testify. Due to an outburst from the audience Chair Nishioka closed the Public Hearing at 7:35 p.m. to confer with City Attorney Trew. City Attorney Trew addressed the audience explaining the procedure and points of order for the meeting.

The Public Hearing was reopened at 7:40 p.m.

Commissioners Dentino, Dundom, Collis, Gorman, and Nishioka declared ex parte contact due to a site visit. Commissioner Dundom declared familiarity of the site due to logging in the past near the subject property and stated he could hear the request without bias.

Testimony for the applicant, HW3, LLC, was taken from the following:

Jan Sirchek, representative for HW3, LLC,	P. O. Box 2711	Harbor, OR
Leroy Blodgett, representative for HW3, LLC	P. O. Box 2767	Harbor, OR
Steve Pfeiffer-Perkins Coie, attorney for the applicant,	1120 N.W. Couch St.	Portland, OR

Chair Nishioka declared a recess at 10:50 p.m. The meeting reconvened at 10:55 p.m. with the original six commissioners present.

Chair Nishioka asked for a show of hands from those in the audience who had signed in and wanted to testify. It was decided to hear testimony until 11:30 p.m.

The Chair called for proponents wishing to testify:

Bob Hagbom	960 Third Street	Brookings
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Opponents followed with testimony from the following:

Catherine Wiley	96370 Dudley Creek Road	Brookings
Judy Krebs	15951 Bayview Drive	Brookings
Steve Bismarck	270 Allen Lane	Brookings

The Chair closed the testimony at 11:25 pm. He addressed the audience stating those who had signed in would be able to testify at the continuance of **ANX-3-05**, November 1, 2005, at 7:00 p.m.

Supplemental #1 - written testimony received before 3:00 p.m. on the day of the Public Hearing and entered into the record :

Exhibit A	Douglas Cross 16340 Lower Road #185, Brookings	1 page letter
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Exhibit B	Citizens for Orderly Development P. O. Box 7102, Harbor Harbor, OR	3 page letter
Exhibit C	Dept. of Land Conservation Matthew Crall, Transportation and Land Use Planner 635 Capitol St. NE, Ste.150, Salem, OR	1 page letter
Exhibit D	Letter to Sparks, ODOT, from Steve Pfeiffer: Lee Sparks, ODOT 3500 Stewart Parkway, Roseburg, OR Steven Pfeiffer-attorney for Perkins Coie 1120 N.W. Couch Street Portland, OR 97209-4128	4 page document
Exhibit E	HW3,LLC representative Leroy Blodgett P. O. Box 2767, Harbor	1 page letter
Exhibit F	H.A.A.C. (Harbor Against Annexation Committee) P. O. Box 2184, Harbor	1 page letter
Exhibit G	Dale Clemens 1905 Vista Drive Modesto, CA 95355	2 page letter
Exhibit H	Letter from Steven Pfeiffer, Perkins & Coie Mr. Lee Sparks and Mr. Tom Guevara, Steven Pfeiffer, Perkins & Coie , 1120 N.W. Couch Street,Portland, OR 97209- Lee Sparks & Tom Guevara, ODOT, 3500 Stewart Parkway, Roseburg, OR 97470	3 page letter
Exhibit I	Loren Griffith-Harbor Sanitary District P. O. Box 2457, Harbor	1 page letter
Exhibit J	David Pratt, Curry County Planning Director, P.O. Box 746 Gold Beach, OR 97444	1 page letter
Exhibit K	Frank & Mary Goodnough P. O. Box 3141, Harbor	2 page letter
Exhibit L	Ralph Martin P. O. Box 2423, Harbor	1 page letter
Exhibit M	ODOT-Tomas Guevara, Development Review Planner 3500 NW Stewart Parkway Roseburg, OR 97470	9 page document

Exhibit N	Larry Aslinger 439 Buena Vista Loop, Brookings	1 page letter
Exhibit O	Diana & Peter Chasar 935 Marina Heights, Brookings	2 page letter
Exhibit P	M. Y. Darrieuxland P. O. Box 1042, Harbor	4 document
Exhibit Q	From H.A.A.C. P. O. Box 2184, Harbor To: Lorna Young, ODOT 355 Capitol Street NE, Room 135 Salem, OR 97301	6 page document
Exhibit R	Frank Goodnough P. O. Box 3141, Harbor	4 page document
Exhibit S	Steven Pfeiffer, Perkins & Coie , 1120 N.W. Couch St.,Portland, OR 97209	4 page letter

Supplemental#2: The following material was submitted at the public hearing and entered into the record:

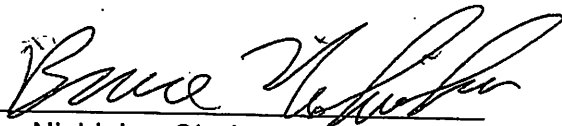
Exhibit T	HW3, LLC, representative Leroy Blodgett, P. O. Box 2767, Harbor	18 page Powerpoint
Exhibit U	Catherine Wiley 96370 Duley Creek Road, Brookings	24 page document
Exhibit V	Document from: Goal One Coalition 39625 Almen Drive, Lebanon, OR 97355 Submitted by: Catherine Wiley 96370 Duley Creek Road, Brookings	17 page document
Exhibit W	Judy Krebs Bayview Drive, Brookings	2 page letter
Exhibit X	Sheila Chambers 15594 Oceanview Drive, Brookings	2 page document
Exhibit Y	Leroy Blodgett, HW3,LLC representative P. O. Box 2767, Harbor	1 page document

#### **ADJOURNMENT:**

The Chair reiterated continuation of File No. **ANX-3-05** will be heard on Tuesday, November 1<sup>st</sup> at 7:00 p.m. With no further business before the Planning Commission, the meeting was adjourned at 11:33 p.m.



Respectfully submitted,  
**BROOKINGS PLANNING COMMISSION**



Bruce Nishioka, Chair

(approved at 12-13-05 meeting)

**MINUTES**  
**BROOKINGS PLANNING COMMISSION**  
**SPECIAL MEETING – Continuation from 10-25-05**  
**November 1, 2005**

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

*Commissioners Present:*

Jim Collis	Randy Gorman
Rick Dentino	Ron Hedenskog
Bill Dundom	Bruce Nishioka

*Staff Present:*

Ed Wait, Director of Community Development, John Bischoff, City Planner, Dianne Snow, Senior Planner; Cathie Mahon, Community Development Secretary; and Lauri Ziemer, Inter-departmental Aide.

*Media:* Coastal Pilot reporter, Brian Bullock

*Other:*

Councilors Mickelson, and Willms  
*Student Ex Officio* Skylar Shuford  
Approximately 100 participants in the audience

**THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON WRITTEN REQUESTS AND COMMUNICATION for File No. ANX-3-05:**

Supplemental #3- material submitted to the Community Development office by 4:00 p.m. was distributed to the applicant and commissioners at the meeting and entered into the record:

Exhibit Z	Memo from Don Wilcox, Public Works Director to Dale Shaddox, City of Brookings, Manager to the Mayor, City Council, and staff.	1 page document
Exhibit AA	Jonathan Gasik, DEQ Senior Water Quality Engineer Stewart Avenue, Ste. 201, Medford, OR 97501	1 page Memo to Curry County Commissioner LeBonte
Exhibit BB	Memo-from Chris Wallace, City of Brookings Chief of Police	1 page document
Exhibit CC	Memo from: William Sharp, Fire Chief, City of Brookings	1 page document

Exhibit DD	Roy Vance 3980 Santa Rosa Ave. Santa Rosa, CA 95407	1 page letter
Exhibit EE	Margie Ann Richards & Robert Lake P. O. Box 2062, Harbor, OR	1 page letter
Exhibit FF	Rose Starer 15722 Oceanview Drive, Brookings, OR	15 page document
Exhibit GG	J. Bradley Address not provided	2 page letter
Exhibit HH	Carol Crockett P. O. Box 2065, Harbor, OR	72 page document
Exhibit II	William & Cathy Yocum 934 7 <sup>th</sup> Street, Brookings, OR	1 page letter
Exhibit JJ	Ted Freeman P. O. Box 1218, Brookings, OR	1 page letter

#### CHAIRPERSON ANNOUNCEMENTS

Chair Nishioka announced the continuation of the Public Hearing for File No. **ANX-3-05**. A list was provided to the Chair for those participants who had signed in at the October 26, 2005 meeting. The Chair opened the meeting and called on opponents who signed in.

Supplemental #4 – the following two letters were dropped off at the Community Development office after the cut-off time of 4:00 p.m. for Supplemental #3, on the day of the meeting, November 1, 2005:

Exhibit KK	Cheryl Bodmam 15760 Upper Benham Road Brookings, OR	2 page letter
Exhibit LL	Memo from: Paul Hughes, Finance Director, City of Brookings	1 page letter

Entered into the record were exhibits by the following opponents (14) who testified:

Exhibit MM	Gary Wassel 714 5 <sup>th</sup> Street, Brookings, OR	1 geo map- Mt. Emily
Exhibit NN	Frank Goodnough P. O. Box 3141, Harbor, OR	117 pages of opponent 800 signatures

Exhibit OO	Yvonne Maitland 15676 Oceanview Drive, Brookings	31 page document
Exhibit PP	Ralph Martin P. O. Box 2423, Harbor	32 page document
Exhibit QQ	Albert Nelson 15589 Cedar Lane, Brookings	1 page letter
Exhibit RR	Douglas Cross 16340 Lower Harbor Rd #185 Brookings	4 page letter
Exhibit SS	Bill Smith 820 Highland Avenue, Brookings	2 page letter
Exhibit TT)	Larry Aslinger 439 Buena Vista Lane, Brookings	11 page document
Exhibit UU	Rose Starer P. O. Box 2955, Harbor	4 page document
Exhibit VV	Barbara Hilyer 14684 Wollam Road, Brookings	7 page document
Exhibit WW	John Brazil 15694 Pedrioli Lane, Brookings	23 page document
Exhibit XX	Robert Mears 15911 Oceanview Drive, Brookings	1 page letter
Exhibit YY	Calvin Schlegel 15594 Napa Lane, Brookings	2 page letter
Exhibit ZZ	Diana Lemos P. O. Box 2849, Harbor	2 page letter

The following (5) opponents testified at the public hearing:

Guy Mcelreavy	895 Marina Heights Road	Brookings, OR
Bob Kampf	98041 Hallway, #30	Brookings, OR
Judy Flash	15499 Museum	Brookings, OR
Carol Lewis	98620 Camellia Drive	Brookings, OR
Bob Crouch	15565 Cedar Lane	Brookings, OR

The Chair closed opponent testimony at 9:45 p.m., followed by those who had signed in as "interested parties".

The following "interested parties" testified:

David Pratt, Planning Director for Curry County,	Gold Beach, OR
Barbara Nysted	Brookings, OR
Richard York	Brookings, OR

The Chair closed the meeting for testimony with the exception of material to be submitted by David Pratt, Planning Director for Curry County. Mr. Pratt was asked by the Commission to provide information addressing some of the issues discussed during the meeting.

**ADJOURNMENT:**

The Chair announced the applicant(s) will have an opportunity to address issues brought forth by the opponents at the next meeting scheduled for November 9, 2005.

With no further business before the Planning Commission, the meeting closed at 10:01 p.m.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Bruce Nishioka", is written over a horizontal line.

Bruce Nishioka, Chair

(approved at 12-13-05 meeting)

**MINUTES**  
**BROOKINGS PLANNING COMMISSION**  
**SPECIAL MEETING – Continuation from 11-01-05**  
**November 9, 2005**

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

*Commissioners Present:*

Jim Collis	Randy Gorman
Rick Dentino	Ron Hedenskog
Bill Dundon	Bruce Nishioka

*Staff Present:*

Ed Wait, Director of Community Development, John Bischoff, City Planner, Dianne Snow, Deputy City Planner, Donna Colby-Hanks, Administrative Assistant; and Lauri Ziemer, Inter-departmental Aide.

*Media:* Coastal Pilot reporter, Brian Bullock

*Other:*

Councilor Mickelson  
*Student Ex Officio* Skylar Shuford  
Approximately 50 participants in the audience

**THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON WRITTEN REQUESTS AND COMMUNICATION**

File No. **ANX-3-05:**

Supplemental #5- material submitted to the Community Development office by 4:00 p.m. was distributed to the applicant and commissioners at the meeting and entered into the record:

Exhibit AAA	Letter from Paul Mather, ODOT, 3500 NW Stewart Parkway, Ste. 120 Roseburg, OR 97470	18 page document
Exhibit BBB	Gary Wassel, 714 5 <sup>th</sup> Street, Brookings	1 page letter to Pilot
Exhibit CCC	Les Cohen, Chamber of Commerce P.O. Box 940, Brookings	1 page letter
Exhibit DDD	Bob Crouch 15565 Cedar Lane, Brookings	2 page letter
Exhibit EEE	Judy Flash 15499 Museum Road, Brookings	letter

Exhibit FFF	HW3, LLC Copy requested by applicant	July 2004 letter from DLCD regarding Periodic Review
Exhibit GGG	Neil Ozment 860 Crestwood Place, Brookings	Comments to Councilor Gordon & Mayor Sherman
Exhibit HHH	Frank Goodnough P.O. Box 3141 Harbor, OR	Signatures from Harbor residents opposing the annexation
Exhibit III	Hann Lee & Jay Bockisch P.O. Box 1849 Vancouver, WA 98668	Memo to John Bischoff regarding Brookings TSP concerns
Exhibit JJJ	Curry County Clerk Renee Kolen Box 746, Gold Beach	Memo regarding measures submitted by City of P.O. Brookings
Exhibit KKK	Curry County Planning Director David Pratt P.O. Box 746, Gold Beach	Memo regarding Curry County concerns
Exhibit LLL	HW3, LLC representative Leroy Blodgett	Powerpoint presentation

### **CHAIRPERSON ANNOUNCEMENTS**

Chair Nishioka announced the continuation of the Public Hearing for File No. **ANX-3-05**. He asked the Commissioners for ex parte contact or bias. Chair Nishioka and Commissioner Collis both stated they had general discussions but didn't feel they were bias and there were no challenges from the audience. Chair Nishioka explained this was the time for interested parties to be heard.

### **Interested Parties**

Richard Bateman, 32875 Cedar Valley Road, Gold Beach, OR 97444, stated he was a professor at Southern Oregon Community and would require more information prior to having an opinion one way or another.

Curry County Planning Director David Pratt, P.O. Box 746, Gold Beach, 97444 reviewed the memo he submitted, Exhibit KKK, explaining the County's concerns with the annexation. The Commission discussed the timeframe for some of the projects Pratt suggested and the need to review the Joint Management Agreement.

### **Rebuttal**

HW3, LLC representative Jan Sirchuck, P.O. Box 2711, Harbor, stated the remaining large properties in the Harbor Hills area are designated as masterplan areas. He spoke about connectivity of roads, geological hazards, sewer providers, and access to the project and submitted a map of the area into the record, Exhibit MMM.

Chair Nishioka recessed the meeting at 8:25 pm and reconvened at 8:35 pm. Larry Aslinger submitted a video, Exhibit NNN, to Chair Nishioka during the recess.

HW3, LLC representative, Leroy Blodgett explained the history of the project and reviewed Exhibit LLL, a powerpoint presentation. Chair Nishioka felt the information received from the School District was not adequate.

Chair Nishioka recessed the meeting at 9:45 pm and reconvened at 9:55 pm.

Shane Hughes, EGR & Associates, Inc. 2535 B Prairie Road, Eugene, OR 97402 reviewed his education and experience and explained the work EGR & Associates, Inc. have provided to HW3. He described the property and explained the different options to reduce the effects of run-off.

Rick Thrall, PBS Engineering Environmental, 1310 Main Street, Vancouver, WA 98660 reviewed his education and experience. He described the different stability areas of the property and reiterated the land will determine the dwelling density.

Steven Pfeiffer, 1120 NW Couch St. 10<sup>th</sup> Fl., Portland, OR 97209-4128, described the reasonability test for cherry-stem annexations and explained goals are not addressed at the annexation phase. They would be addressed with the masterplan.

Blodgett summarized their facts and described the remaining steps needed prior to pulling the first building permits.

Supplemental #6- material received at the meeting and entered into the record:

Exhibit MMM	Jan Sirchuck, HW3, LLL, representative P. O. Box 2711, Harbor	1 page map
Exhibit NNN	Larry Aslinger 439 Buena Vista Brookings	Video tape
Exhibit OOO	Shane Hughes, EGR & Associates, Inc 2535 B Prairie Road Eugene, OR	10 page document

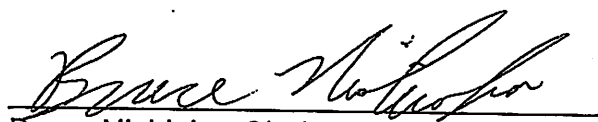
There was discussion on tentative dates for submission of additional material by the different parties.

**ADJOURNMENT:**

With no further business before the Planning Commission, the meeting closed at 11:45 p.m. with the announcement that the meeting will reconvene on Tuesday, November 15 at 7:00 pm in the City Council Chambers to allow City Staff to present comments.



Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Bruce Nishioka", written over a horizontal line.

Bruce Nishioka, Chair

(approved at 12-13-05 meeting)

**MINUTES**  
**BROOKINGS PLANNING COMMISSION**  
**SPECIAL MEETING – Continuation from 11-09-05**  
**November 15, 2005**

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

*Commissioners Present:*

Jim Collis	Randy Gorman
Rick Dentino	Ron Hedenskog
Bill Dundom	Bruce Nishioka

*Staff Present:*

Ed Wait, Director of Community Development, John Bischoff, City Planner, Dianne Snow, Deputy City Planner, Don Wilcox, Public Works Director, and Cathie Mahon, Secretary.

*Media:* Coastal Pilot reporter, Brian Bullock

*Other:*

Councilor Mickelson

*Student Ex Officio* Skylar Shuford

Approximately 40 participants in the audience

**CHAIR ANNOUNCEMENTS**

Chair Nishioka introduced, the new Brookings City Manager, Dale Shaddock. Mr. Shaddock addressed the Commission saying he was pleased to be in Brookings and looked forward to working with them. The Commission welcomed him.

Chair Nishioka announced the continuation of the Public Hearing for File No. **ANX-3-05**. He asked the Commissioners for ex parte contact or bias. The commissioners expressed no bias and there was no challenge from the audience to continue the meeting. Chair Nishioka explained the present hearing was for the City Planning staff to present information.

The following exhibits were entered into the record by the Planning staff for file No. **ANX-3-05**:  
Supplemental #7

Exhibit PPP	John Bischoff, Brookings City Planner Entered into the record from HW3, LLC	7 page document
Exhibit QQQ	John Bischoff, Brookings City Planner	1 page table
Exhibit RRR	Ed Wait, Director of Community Development	64 page document

Following Bischoff's testimony the Chair declared at 10 minute recess at 8:15 p.m. The meeting reconvened at 8:25 p.m.

Don Wilcox, Director of Public Works read into the record Exhibit Z, submitted at the November 1, 2005 hearing. The exhibit was an informational memo on Brookings Wastewater Treatment Capacity. Wilcox answered questions from the commissioners.

Ed Wait, Director of Community Development, discussed eleven (11) different documents between the City of Brookings and the Harbor Sanitary District (HSD). Entered into the record were various agreements between Brookings and HSD, timelines for the Joint Management Agreement, and various inter-governmental documents.

Chair Nishioka announced testimony for the Public Hearing was closed. He asked if any participant requested additional time to present additional written evidence. Catherine Wiley, 96370 Duley Creek Road, Brookings requested additional time.

The Chair explained the time frame. Between November 15<sup>th</sup> and November 22<sup>nd</sup> anyone who previously testified could submit written testimony; material must be at the Community Development office by 4:00 p.m. on the 22<sup>nd</sup>. Between November 22<sup>nd</sup> and 29<sup>th</sup>, anyone may submit written rebuttal. The applicant has between November 29<sup>th</sup> and 4:00 p.m on December 5<sup>th</sup> to submit rebuttal. The Chair announced the Planning Commission will reconvene the hearing on December 6, 2005.

Discussion ensued regarding scheduling the regular Planning Commission. December 13<sup>th</sup> will be a regular public hearing.

**ADJOURNMENT:**

With no further business before the Planning Commission, the meeting closed at 9:52 p.m.

Respectfully submitted,



Bruce Nishioka, Chair  
(approved at 12-13-05 meeting)

MINUTES  
BROOKINGS PARKS AND RECREATION COMMISSION  
City of Brookings 898 Elk Drive, Brookings  
October 20, 2005

**CALL to ORDER**

Chair Farmer called the meeting to order at 7:00 p.m. followed by the pledge of allegiance.

**CHAIRMAN ANNOUNCEMENTS**

Chair Farmer introduced new commissioner, Michelle Beniot. Ms. Beniot explained she moved here from Portland a year ago, had a landscaping business there, and has continued that line of work in Brookings by setting up a landscaping business here. She was welcome by the commissioners.

**ROLL CALL**

*Commissioners present:* Michelle Beniot, Haley Farr, Don Gallian, Frances Hartmann, Tony Parrish, and Chair Daryn Farmer.

*Commissioners absent:* April Gothard.

*Staff Present:* Don Wilcox, Director of Public Works; Dave Lentz, Parks Supervisor for Public Works, and Community Development Secretary Cathie Mahon.

*Other:*

Councilors Willms and Gordon.

**APPROVAL OF MINUTES**

Commissioner Hartmann made a motion to approve the minutes for June 23, 2005 and by a voice vote, they were approved as amended. Commissioner Parrish made a motion to approve the minutes of September 22, 2005, and by a voice vote was approved as written.

**PUBLIC APPEARANCES:**

Renee Escobar, president of the BHYA (Brookings-Harbor Youth Association), said she was at the meeting to present an idea for a teen center. The two-story building is located at 702 Chetco Avenue, with a rental on the second floor, and currently unoccupied on the ground floor. Prior occupants have been restaurants so the make-up of the first floor would be conducive for a teen center. The facility is fully-furnished with a cash register, and tables left from the last occupants. The thought is that coffee and food would be served to the teens after football games and other school events. Another activity is to have bands perform.

Escobar discussed the financial aspects of funding the endeavor. A \$4500 grant has been written from the "Do Life" program. The rent is \$950 a month. She addressed the commission asking if they would approve one month's rent.

Discussion ensued. One of the questions posed was the parking issue and how there are only 6 parking spaces devoted to the building. Commissioner Hartman questioned the adult to child ratio, followed by the question of supervision. She also suggested Escobar put together a business plan to determine operation costs. Director Wilcox suggested asking for volunteers from the Senior Center.

Commission Parrish mentioned the cost of electricity has to be considered. He suggested presenting the proposal to the *Lions Club*. Councilor Willms said another item that has to be considered is the liability, the insurance coverage for the facility.

Escobar concluded, the building is a good fit for a Teen Center and for groups like the "Teen to Teen" and Leadership groups to meet. We could make like a "*Bruins Den*". A recommendation was directed to Director Wilcox to discuss the proposal with the City's Finance Director, and see if funds are available to pay for one month rent-\$950.

**COMMISSIONERS and AUDIENCE COMMENTS:**

Commissioner Gallian entered the meeting at 7:50 p.m. He expressed regret at missing the last meetings and gave a brief history of his participation in the community.

The Bankus Fountain was mentioned. Dave Lentz, Parks Supervisor said he had recently fixed the pipes.

Wilcox updated the commission that the Chetco Point Park project is slated to begin soon. The bid opening was on October 18<sup>th</sup>, McClellan Construction was the low bidder, and after City Council approves the bid, work will begin. The project involves new pathways, fencing, benches and tables, handicapped access to the beach, parking lot paving, and signage.

*Stout Park:*


Commissioner Parrish said fifteen feet of fencing has fallen on the property. Parrish said it's an old wood fence that has fallen because the posts were rotted out. It needs to be removed or fixed.

*Bud Cross Park:*

Discussion ensued. Lentz said what needs to be done is first remove the top layer of dirt, put in the sprinkler system, and then grass. He figures it will cost between \$5,000 to \$6,000 for the sprinkler system. Discussion on the time frame, when to do the work between the soccer and baseball season.

With no further business before the Commission, the meeting adjourned at 8:29 p. m.

Respectfully submitted,

  
Cathie Mahon  
Recording Secretary

Approved by the Parks and Recreation Commission  
Date: 12-15 2005

Check Register - Summary Report  
 GL Posting Period(s): 12/05 - 12/05  
 Check Issue Date(s): 12/01/2005 - 12/31/2005

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
12/05	12/06/2005	52635	1357	VOID - Curry County Clerk	10-00-2005	57.00 -M
12/05	12/01/2005	53276	882	Advanced Security Systems	10-00-2005	2,280.00
12/05	12/01/2005	53277	150	Any Time Coffee Service	10-00-2005	61.25
12/05	12/01/2005	53278	303	Associated Bag Company	10-00-2005	347.82
12/05	12/01/2005	53279	1233	Bart Kast Builder	10-00-2005	45.00
12/05	12/01/2005	53280	1156	Best Western Albany Inn	10-00-2005	607.20
12/05	12/01/2005	53281	3391	Brian & Nicole A Finch	10-00-2005	3.35
12/05	12/01/2005	53282	147	Brookings Glass Inc	10-00-2005	15.00
12/05	12/01/2005	53283	325	Business Solutions Group	10-00-2005	78.37
12/05	12/01/2005	53284	822	Coast Auto Center	10-00-2005	27.95
12/05	12/01/2005	53285	183	Colvin Oil Company	10-00-2005	2,240.33
12/05	12/01/2005	53286	803	Commercial Landscape Supply	10-00-2005	79.93
12/05	12/01/2005	53287	182	Coos-Curry Electric	10-00-2005	16,263.94
12/05	12/01/2005	53288	648	Curry County Sheriffs Office	10-00-2005	3,916.00
12/05	12/01/2005	53289	888	Custodial Related Services	10-00-2005	925.00
12/05	12/01/2005	53290	3384	Dale Hendrix	10-00-2005	20.53
12/05	12/01/2005	53291	3315	Dale Shaddox	10-00-2005	1,081.37
12/05	12/01/2005	53292		Information Only Check	10-00-2005	.00 V
12/05	12/01/2005	53293	259	Da-Tone Rock Products	10-00-2005	1,535.32
12/05	12/01/2005	53294	958	Delaney's Bakery	10-00-2005	40.00
12/05	12/01/2005	53295	3381	Dieter Family Trust	10-00-2005	42.62
12/05	12/01/2005	53296	2117	Edge Wireless	10-00-2005	105.70
12/05	12/01/2005	53297	3398	Elena Hastings	10-00-2005	31.77
12/05	12/01/2005	53298	3390	Elizabeth Nation	10-00-2005	16.48
12/05	12/01/2005	53299	2264	Environmental Technology	10-00-2005	700.00
12/05	12/01/2005	53300	3386	Estate of Art Forman	10-00-2005	6.67
12/05	12/01/2005	53301	3342	Fastenal	10-00-2005	57.72
12/05	12/01/2005	53302	754	First Response	10-00-2005	225.00
12/05	12/01/2005	53303	297	G. Neil Companies	10-00-2005	224.95
12/05	12/01/2005	53304	119	Gall's Inc	10-00-2005	198.56
12/05	12/01/2005	53305	3394	Gordon & Helen Baird	10-00-2005	4.57
12/05	12/01/2005	53306	139	Harbor Logging Supply	10-00-2005	154.13
12/05	12/01/2005	53307	3388	Heather & Perry Haas	10-00-2005	21.66
12/05	12/01/2005	53308	131	HGE, Inc	10-00-2005	26,785.04
12/05	12/01/2005	53309	307	Industrial Steel & Supply Inc	10-00-2005	177.13
12/05	12/01/2005	53310	3382	James G Sanborn	10-00-2005	41.69
12/05	12/01/2005	53311	3395	Janice L Willms	10-00-2005	26.19
12/05	12/01/2005	53312	3387	Jerilyn Walters	10-00-2005	20.34
12/05	12/01/2005	53313	1988	Jim Wheatley	10-00-2005	115.00
12/05	12/01/2005	53314	528	Joe Ingwersen	10-00-2005	115.00
12/05	12/01/2005	53315	3397	John B White	10-00-2005	1.41
12/05	12/01/2005	53316	3392	Karen I Johnson	10-00-2005	5.51
12/05	12/01/2005	53317	3371	Ken Ruff/David Weschenfelder	10-00-2005	20.25
12/05	12/01/2005	53318	262	Kim Hunnicutt Court Reporting	10-00-2005	18.00
12/05	12/01/2005	53319	202	League of Oregon Cities	10-00-2005	2,369.10
12/05	12/01/2005	53320	328	Les Schwab Tire Center	10-00-2005	542.04
12/05	12/01/2005	53321	633	McKensie Athletics	10-00-2005	28.40
12/05	12/01/2005	53322	155	Mory's	10-00-2005	71.53
12/05	12/01/2005	53323	283	Mufflers & More	10-00-2005	115.00
12/05	12/01/2005	53324	2051	National Waterworks, Inc	10-00-2005	1,032.48
12/05	12/01/2005	53325	334	North Coast Electric	10-00-2005	214.10
12/05	12/01/2005	53326	1330	Northwest Uniforms, Inc	10-00-2005	73.38
12/05	12/01/2005	53327	2025	Numberg Scientific	10-00-2005	379.46
12/05	12/01/2005	53328	3056	Official Payments Corporation	10-00-2005	244.00
12/05	12/01/2005	53329	376	OR Dept of Revenue	10-00-2005	50.00
12/05	12/01/2005	53330	428	Oregon Apparatus Repair Inc	10-00-2005	4,462.74
12/05	12/01/2005	53331	2974	Pat Sherman	10-00-2005	145.50

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Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
12/05	12/01/2005	53332	866	Pitney Bowes	10-00-2005	402.00
12/05	12/01/2005	53333	617	Printing Arts, Inc	10-00-2005	998.73
12/05	12/01/2005	53334	3399	Priscilla & John Yonemura	10-00-2005	11.05
12/05	12/01/2005	53335	378	Quality Control Services	10-00-2005	260.00
12/05	12/01/2005	53336		Information Only Check	10-00-2005	.00 V
12/05	12/01/2005	53337	207	Quill Corporation	10-00-2005	3,602.39
12/05	12/01/2005	53338	3374	Reese Electric Inc	10-00-2005	1,711.00
12/05	12/01/2005	53339	3389	Richard Critchfield	10-00-2005	20.93
12/05	12/01/2005	53340	3185	Ron Tribble	10-00-2005	15.32
12/05	12/01/2005	53341	3383	Shanna Reynolds	10-00-2005	26.10
12/05	12/01/2005	53342	3393	Snoozie Shavings Inc	10-00-2005	270.00
12/05	12/01/2005	53343	156	That Special Touch Florist	10-00-2005	79.99
12/05	12/01/2005	53344	990	United Parcel Service	10-00-2005	30.99
12/05	12/01/2005	53345		Information Only Check	10-00-2005	.00 V
12/05	12/01/2005	53346	136	United Pipe & Supply Co Inc	10-00-2005	2,703.79
12/05	12/01/2005	53347	1983	Vantage Construction	10-00-2005	5.77
12/05	12/01/2005	53348	157	Viking Office Products	10-00-2005	479.10
12/05	12/01/2005	53349	2122	VISA	10-00-2005	171.32
12/05	12/01/2005	53350	3104	West Coast Lines & Graphics	10-00-2005	14.00
12/05	12/01/2005	53351	212	White House Sales	10-00-2005	1,255.08
12/05	12/01/2005	53352	631	Windjammer	10-00-2005	522.54
12/05	12/01/2005	53353	269	WW Grainger	10-00-2005	260.20
12/05	12/01/2005	53354	2985	Zoltan Gyurko	10-00-2005	15.23
12/05	12/01/2005	53355	148	B-H Chamber of Commerce	10-00-2005	3,177.76
12/05	12/01/2005	53356	313	Brookings Vol Firefighters	10-00-2005	2,083.33
12/05	12/01/2005	53357	1840	Chetco Federal Credit Union	10-00-2005	3,330.00
12/05	12/01/2005	53358	316	Donald & Roberta Chandler	10-00-2005	548.00
12/05	12/01/2005	53359	1082	Hilary Thompson	10-00-2005	29.97
12/05	12/01/2005	53360	322	Postmaster	10-00-2005	610.00
12/05	12/01/2005	53361	1193	PRN Data Services, Inc	10-00-2005	3,500.00
12/05	12/01/2005	53362	199	Richard Harper	10-00-2005	300.00
12/05	12/08/2005	53363	581	Action Training Systems Inc	10-00-2005	5,950.00
12/05	12/08/2005	53364	993	ATCO International	10-00-2005	155.00
12/05	12/08/2005	53365	138	Becco, Inc	10-00-2005	57.90
12/05	12/08/2005	53366	1522	Blumenthal Uniforms	10-00-2005	149.20
12/05	12/08/2005	53367	1118	Brookside Florist	10-00-2005	37.50
12/05	12/08/2005	53368	417	Cabela's Inc	10-00-2005	348.69
12/05	12/08/2005	53369	110	Cavem Auto And Truck Supply	10-00-2005	75.98
12/05	12/08/2005	53370	370	CCIS	10-00-2005	20,470.68
12/05	12/08/2005	53371	3406	CM Sorvaag	10-00-2005	35.94
12/05	12/08/2005	53372	822	Coast Auto Center	10-00-2005	54.00
12/05	12/08/2005	53373	1745	Coastal Paper & Supply, Inc	10-00-2005	288.84
12/05	12/08/2005	53374	3016	Cradar Enterprises Inc	10-00-2005	61,162.90
12/05	12/08/2005	53375	151	Curry Coastal Pilot	10-00-2005	37.85
12/05	12/08/2005	53376	1357	Curry County Clerk	10-00-2005	62.00
12/05	12/08/2005	53377	173	Curry Equipment Company	10-00-2005	49.55
12/05	12/08/2005	53378	195	Curry Transfer & Recycling	10-00-2005	850.07
12/05	12/08/2005	53379	888	Custodial Related Services	10-00-2005	230.00
12/05	12/08/2005	53380	3315	Dale Shaddox	10-00-2005	239.84
12/05	12/08/2005	53381		Information Only Check	10-00-2005	.00 V
12/05	12/08/2005	53382	166	Dan's Auto & Marine Electric	10-00-2005	475.11
12/05	12/08/2005	53383	185	Del Cur Supply	10-00-2005	62.70
12/05	12/08/2005	53384	2827	Dianne Snow	10-00-2005	75.00
12/05	12/08/2005	53385	1747	Dirksen Oil	10-00-2005	629.98
12/05	12/08/2005	53386	754	First Response	10-00-2005	175.00
12/05	12/08/2005	53387	3402	G&K Excavating	10-00-2005	1,738.75
12/05	12/08/2005	53388	198	Grants Pass Water Lab	10-00-2005	160.00

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Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
12/05	12/08/2005	53389	2062	Harbor Sanitary District		
12/05	12/08/2005	53390	2574	Jeremy L. McVeety	10-00-2005	865.00
12/05	12/08/2005	53391	1088	Jobs Available Inc	10-00-2005	1,040.00
12/05	12/08/2005	53392	2834	Kelby McCrae	10-00-2005	265.20
12/05	12/08/2005	53393		Information Only Check	10-00-2005	1.16
12/05	12/08/2005	53394		Information Only Check	10-00-2005	.00 V
12/05	12/08/2005	53395		Information Only Check	10-00-2005	.00 V
12/05	12/08/2005	53396		Information Only Check	10-00-2005	.00 V
12/05	12/08/2005	53397		Information Only Check	10-00-2005	.00 V
12/05	12/08/2005	53398	162	Kerr Hardware	10-00-2005	.00 V
12/05	12/08/2005	53399	262	Kim Hunnicutt Court Reporting	10-00-2005	1,271.28
12/05	12/08/2005	53400	202	League of Oregon Cities	10-00-2005	16.00
12/05	12/08/2005	53401	328	Les Schwab Tire Center	10-00-2005	10.00
12/05	12/08/2005	53402	155	Mory's	10-00-2005	906.61
12/05	12/08/2005	53403	433	NCL of Wisconsin	10-00-2005	69.95
12/05	12/08/2005	53404	334	North Coast Electric	10-00-2005	78.77
12/05	12/08/2005	53405	3400	OR Teamster Employers Trust	10-00-2005	358.00
12/05	12/08/2005	53406	177	Oregon Medical Laboratories	10-00-2005	5,597.09
12/05	12/08/2005	53407	3264	Pacific Electrical Contr Inc	10-00-2005	22.70
12/05	12/08/2005	53408	3405	Paul's Tractor Service	10-00-2005	9,550.00
12/05	12/08/2005	53409	1029	Pitney Bowes Purchase Power	10-00-2005	9,240.00
12/05	12/08/2005	53410	187	Quality Fast Lube & Oil	10-00-2005	1,016.99
12/05	12/08/2005	53411	180	Ray's Food Place	10-00-2005	31.60
12/05	12/08/2005	53412	189	Roto Rooter	10-00-2005	136.79
12/05	12/08/2005	53413		Information Only Check	10-00-2005	56.00
12/05	12/08/2005	53414	1626	Softchoice Corporation	10-00-2005	.00 V
12/05	12/08/2005	53415	380	Stadelman Electric Inc	10-00-2005	855.75
12/05	12/08/2005	53416	2254	Sunny Wheatley	10-00-2005	1,218.61
12/05	12/08/2005	53417	555	Tammy Beckley	10-00-2005	164.00
12/05	12/08/2005	53418	179	Trew, Cyphers & Meynink	10-00-2005	55.00
12/05	12/08/2005	53419	1412	Triangle Pump & Equipment Inc	10-00-2005	3,488.50
12/05	12/08/2005	53420	161	United Communications Inc	10-00-2005	118.92
12/05	12/08/2005	53421	1196	USF Reddaway	10-00-2005	1,429.78
12/05	12/08/2005	53422	253	Xerox Corporation	10-00-2005	177.78
12/05	12/08/2005	53423	1357	Curry County Clerk	10-00-2005	70.73
12/05	12/13/2005	53424	1881	AFLAC	10-00-2005	6,573.57
12/05	12/13/2005	53425	910	OR Department of Justice	10-00-2005	303.04
12/05	12/13/2005	53426	1132	OR Department of Justice	10-00-2005	115.38
12/05	12/13/2005	53427	2366	OR Department of Justice	10-00-2005	322.15
12/05	12/13/2005	53428	205	PERS Retirement	10-00-2005	203.08
12/05	12/28/2005	53429	282	GFOA	10-00-2005	15,116.52
12/05	12/28/2005	53430	444	VOID - Secretary of State	10-00-2005	350.00
12/05	12/28/2005	53431	444	Secretary of State	10-00-2005	.00
12/05	12/28/2005	53432	444	Secretary of State	10-00-2005	40.00
12/05	12/28/2005	53433	145	EBS Trust	10-00-2005	300.00
12/05	12/28/2005	53434	910	OR Department of Justice	10-00-2005	25.70
12/05	12/28/2005	53435	1132	OR Department of Justice	10-00-2005	115.38
12/05	12/28/2005	53436	2366	OR Department of Justice	10-00-2005	322.15
12/05	12/28/2005	53437	205	PERS Retirement	10-00-2005	203.08
12/05	12/28/2005	53438	214	Regence Life & Health Ins	10-00-2005	14,728.58
12/05	12/29/2005	53439	1843	Action Industrial Systems	10-00-2005	254.40
12/05	12/29/2005	53440	2578	Action Trophies	10-00-2005	733.00
12/05	12/29/2005	53441	3426	Alan L Smith	10-00-2005	864.45
12/05	12/29/2005	53442	800	VOID - American Red Cross	10-00-2005	4.11
12/05	12/29/2005	53443		Information Only Check	10-00-2005	.00
12/05	12/29/2005	53444	167	American Sigma	10-00-2005	.00 V
12/05	12/29/2005	53445	2353	B&H Gun Rack	10-00-2005	400.00
						1,884.90

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Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
12/05	12/29/2005	53446	174	Barbara Palicki		
12/05	12/29/2005	53447	146	Bay West Supply, Inc	10-00-2005	105.94
12/05	12/29/2005	53448	3424	Bill Fischer	10-00-2005	175.62
12/05	12/29/2005	53449	2998	Blackbird Shopping Center	10-00-2005	9.07
12/05	12/29/2005	53450	1522	Blumenthal Uniforms	10-00-2005	1,068.90
12/05	12/29/2005	53451	3429	Bob & Juliette Attebery	10-00-2005	74.05
12/05	12/29/2005	53452	3427	Bonnie Palmer	10-00-2005	2.90
12/05	12/29/2005	53453	3425	Brittany Wales	10-00-2005	1.98
12/05	12/29/2005	53454	714	Brookings Signs & Graphics	10-00-2005	22.84
12/05	12/29/2005	53455	192	Brown & Caldwell	10-00-2005	305.50
12/05	12/29/2005	53456	3385	C.H.I.P.S.	10-00-2005	7,140.00
12/05	12/29/2005	53457	3428	Carolyn Oakes	10-00-2005	300.50
12/05	12/29/2005	53458	3015	Charter Communications	10-00-2005	42.75
12/05	12/29/2005	53459	3414	Chetco Contractors Inc	10-00-2005	990.00
12/05	12/29/2005	53460	3415	Chetco Marine Supply	10-00-2005	227.50
12/05	12/29/2005	53461	2215	Chetco Medical Center	10-00-2005	184.59
12/05	12/29/2005	53462	336	Chris Wallace	10-00-2005	700.00
12/05	12/29/2005	53463	3352	Collegiate USA	10-00-2005	150.00
12/05	12/29/2005	53464		Information Only Check	10-00-2005	743.87
12/05	12/29/2005	53465	183	Colvin Oil Company	10-00-2005	.00 V
12/05	12/29/2005	53466		Information Only Check	10-00-2005	4,422.71
12/05	12/29/2005	53467	182	Coos-Curry Electric	10-00-2005	.00 V
12/05	12/29/2005	53468	2542	Crystal Fresh Bottled Water	10-00-2005	9,926.13
12/05	12/29/2005	53469	151	Curry Coastal Pilot	10-00-2005	130.00
12/05	12/29/2005	53470	1357	Curry County Clerk	10-00-2005	488.18
12/05	12/29/2005	53471	173	Curry Equipment Company	10-00-2005	36.00
12/05	12/29/2005	53472		Information Only Check	10-00-2005	312.00
12/05	12/29/2005	53473	195	Curry Transfer & Recycling	10-00-2005	.00 V
12/05	12/29/2005	53474	888	Custodial Related Services	10-00-2005	185.30
12/05	12/29/2005	53475	3315	Dale Shaddox	10-00-2005	925.00
12/05	12/29/2005	53476		Information Only Check	10-00-2005	1,039.40
12/05	12/29/2005	53477	259	Da-Tone Rock Products	10-00-2005	.00 V
12/05	12/29/2005	53478	185	Del Cur Supply	10-00-2005	9,580.32
12/05	12/29/2005	53479	2117	Edge Wireless	10-00-2005	97.60
12/05	12/29/2005	53480	3342	Fastenal	10-00-2005	96.60
12/05	12/29/2005	53481	3409	Frank Mowery	10-00-2005	79.40
12/05	12/29/2005	53482	119	Gall's Inc	10-00-2005	75.00
12/05	12/29/2005	53483	3412	George A Shinn	10-00-2005	22.77
12/05	12/29/2005	53484	3430	Hank B Shieds	10-00-2005	24.31
12/05	12/29/2005	53485	139	Harbor Logging Supply	10-00-2005	19.11
12/05	12/29/2005	53486	131	HGE, Inc	10-00-2005	152.81
12/05	12/29/2005	53487	3413	Holiday Inn Express - Seaside	10-00-2005	50,730.44
12/05	12/29/2005	53488	3416	I.A.A.I. Rogue Valley District	10-00-2005	239.80
12/05	12/29/2005	53489	3408	IDEXX Distribution Inc	10-00-2005	260.00
12/05	12/29/2005	53490	1699	Imagistics	10-00-2005	5,150.76
12/05	12/29/2005	53491	307	Industrial Steel & Supply Inc	10-00-2005	411.06
12/05	12/29/2005	53492	3410	James Cook	10-00-2005	93.00
12/05	12/29/2005	53493	3422	Joann Turk	10-00-2005	41.73
12/05	12/29/2005	53494	3411	John & Jerrie Clancy	10-00-2005	8.11
12/05	12/29/2005	53495	1397	L N Curtis	10-00-2005	30.17
12/05	12/29/2005	53496	2598	Larry Garcia	10-00-2005	161.47
12/05	12/29/2005	53497	202	League of Oregon Cities	10-00-2005	40.59
12/05	12/29/2005	53498	328	Les Schwab Tire Center	10-00-2005	10.00
12/05	12/29/2005	53499	3417	Lorman Education Services	10-00-2005	83.76
12/05	12/29/2005	53500	690	Margo Hanscam Prop Mgmt	10-00-2005	249.00
12/05	12/29/2005	53501	339	Mike Cooper	10-00-2005	12.89
12/05	12/29/2005	53502	155	Mory's	10-00-2005	53.00
					10-00-2005	6.50

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Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
12/05	12/29/2005	53503	424	Munnell & Sherrill	10-00-2005	40.60
12/05	12/29/2005	53504	2051	National Waterworks, Inc	10-00-2005	699.32
12/05	12/29/2005	53505	685	Neilson Research Corporation	10-00-2005	60.00
12/05	12/29/2005	53506	334	North Coast Electric	10-00-2005	449.83
12/05	12/29/2005	53507	3159	Northcoast Health Screening	10-00-2005	70.00
12/05	12/29/2005	53508	3418	OACA Treasurer Angie Debban	10-00-2005	50.00
12/05	12/29/2005	53509	2576	OACP	10-00-2005	155.00
12/05	12/29/2005	53510	442	OCCMA	10-00-2005	151.69
12/05	12/29/2005	53511	279	One Call Concepts, Inc	10-00-2005	32.55
12/05	12/29/2005	53512	426	Oregon Apparatus Repair Inc	10-00-2005	272.70
12/05	12/29/2005	53513	449	Oregon Mayors Association	10-00-2005	100.00
12/05	12/29/2005	53514	3264	Pacific Electrical Contr Inc	10-00-2005	510.00
12/05	12/29/2005	53515	252	Paramount Pest Control	10-00-2005	38.00
12/05	12/29/2005	53516	3298	Paul Nolte	10-00-2005	1,065.00
12/05	12/29/2005	53517	1871	Paulson Eye Care	10-00-2005	95.00
12/05	12/29/2005	53518	1193	PRN Data Services, Inc	10-00-2005	660.00
12/05	12/29/2005	53519		Information Only Check	10-00-2005	.00 V
12/05	12/29/2005	53520		Information Only Check	10-00-2005	.00 V
12/05	12/29/2005	53521	207	Quill Corporation	10-00-2005	591.99
12/05	12/29/2005	53522	2831	Renner Petroleum	10-00-2005	481.55
12/05	12/29/2005	53523	3369	Schwabe Williamson & Wyatt PC	10-00-2005	1,426.00
12/05	12/29/2005	53524	380	Stadelman Electric Inc	10-00-2005	2,861.12
12/05	12/29/2005	53525	570	State of Oregon-Corp Div	10-00-2005	20.00
12/05	12/29/2005	53526	3432	Sterling Automotive	10-00-2005	25.64
12/05	12/29/2005	53527	3423	The Cove Hoa	10-00-2005	37.91
12/05	12/29/2005	53528	2541	U.S. Bank	10-00-2005	400.00
12/05	12/29/2005	53529	3226	Valdell Dev LLC	10-00-2005	45.00
12/05	12/29/2005	53530	991	Verizon Northwest	10-00-2005	537.32
12/05	12/29/2005	53531	2328	Vicki Bailey	10-00-2005	58.02
12/05	12/29/2005	53532	861	Village Express Mail Center	10-00-2005	36.45
12/05	12/29/2005	53533	2122	VISA	10-00-2005	287.05
12/05	12/29/2005	53534	1140	WearGuard	10-00-2005	860.30
12/05	12/29/2005	53535	3104	West Coast Lines & Graphics	10-00-2005	11.75
12/05	12/29/2005	53536	917	Wm. H. Reilly & Co	10-00-2005	209.32
12/05	12/29/2005	53537	289	WW Grainger	10-00-2005	110.52
12/05	12/28/2005	53600		Void Check	10-00-2005	.00 V
12/05	12/28/2005	53601		Void Check	10-00-2005	.00 V
12/05	12/28/2005	53602		Void Check	10-00-2005	.00 V
Totals:						<u>379,217.67</u>

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
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Dated: \_\_\_\_\_

Mayor: \_\_\_\_\_

City Council: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

City Recorder: \_\_\_\_\_

# CITY OF BROOKINGS

## City Council Agenda Report



Date: November 30, 2005

To: Mayor & City Council

From: John Bischoff, City Planner

Subject:

Acceptance of an easement for a waterline.

Recommendation:

Accept the easement and direct staff to have it recorded.

Background /Discussion:

The easement will provide for the construction of a water main from the east end of Lundeen Ln. to North Bank Chetco River Rd.

Financial Impact(s):

The easement will not create a financial impact.

City Manager Review and Approval for placement on Council Agenda:

  
Dale Shaddox, City Manager

**DESCRIPTION FOR THE CITY OF BROOKINGS (GRANTEE)**  
**DANIEL A. BACKMAN & LINDA S. BACKMAN, HUSBAND AND WIFE, (GRANTOR)**

***A TWENTY (20.00) FOOT WIDE WATERLINE EASEMENT***

THE UNDERSIGNED HEREBY GRANTS TO THE CITY OF BROOKINGS, A NON-EXCLUSIVE EASEMENT FOR THE PURPOSE OF THE CONSTRUCTION OF A MUNICIPAL WATERLINE OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY IN CURRY COUNTY, OREGON:

**OWNER OF RECORD (GRANTOR): DANIEL A. & LINDA S. BACKMAN**

TAX MAP 41 13 5 A – TAX LOT 2400 – DEED REFERENCE: INST #2004 Page 934

**A TWENTY (20.00) FOOT WIDE WATERLINE EASEMENT LOCATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 41 SOUTH – RANGE 13 WEST, W.M., CURRY COUNTY, OREGON. LYING TEN (10.00) FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:**

**BEGINNING AT A POINT LOCATED SOUTH 47°52'30" EAST A DISTANCE OF 515.00 FEET FROM THE NORTH QUARTER CORNER OF SECTION 5, TOWNSHIP 41 SOUTH – RANGE 13 WEST, W.M., CURRY COUNTY, OREGON; THENCE, SOUTH 37°56'00" WEST A DISTANCE OF 272.70 FEET; THENCE, SOUTH 56°00'00" EAST A DISTANCE OF 132.39 FEET TO THE TRUE POINT OF BEGINNING; THENCE, NORTH 52°07'56" EAST A DISTANCE OF 35.62 FEET; THENCE, NORTH 75°05'23" EAST A DISTANCE OF 78.93 FEET TO THE TERMINUS POINT. THE SIDELINES OF SAID EASEMENT BEING ELONGATED OR SHORTENED TO MEET THE PROPERTY LINE OF THE GRANTOR.**

THE RIGHTS, CONDITIONS, AND PROVISIONS OF THE EASEMENT SHALL INURE TO THE BENEFIT OF AND BE BINDING UPON THE HEIRS, SUCCESSORS AND ASSIGNS OF THE PARTIES HERETO. THIS EASEMENT IS APPURTENANT TO THE REAL PROPERTY OWNED BY GRANTOR. THE UNDERSIGNED WARRANTS AND DECLARES THAT ALL PARTIES WHOSE PERMISSION, CONSENT OR AUTHORITY IS REQUIRED TO GRANT THIS EASEMENT TO THE GRANTEES AS STATED ABOVE HAVE SIGNED THIS EASEMENT.

DATED THIS 12th DAY OF December 2005.

GRANTOR:

*Daniel A. Backman*  
DANIEL A. BACKMAN

*Linda S. Backman*  
LINDA S. BACKMAN

STATE OF OREGON     )  
                                  ) ss.  
County of CURRY     )

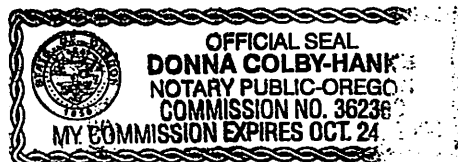
Before me on the 12 day of December, 2005, personally appeared the above named

*Daniel Backman*     *Linda Backman*  
and acknowledged the foregoing instrument to be their voluntary act and deed.

*Donna Colby-Hanks*

Notary Public For Oregon  
My Commission Expires: Oct 24, 2006

1



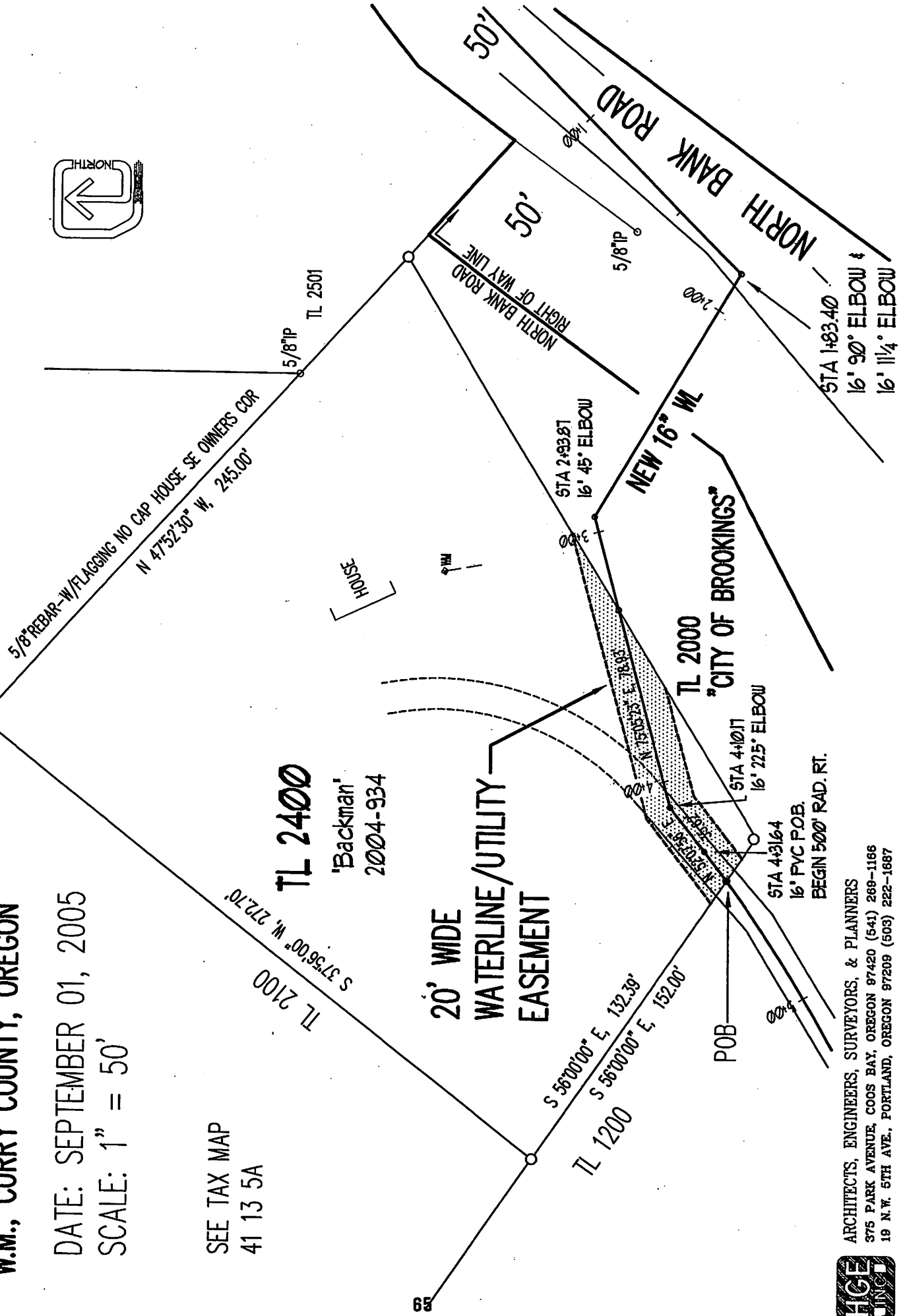
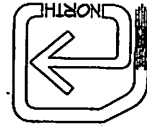
# EASEMENT LOCATION MAP

## NE 1/4 SECTION 5, T. 41 S. - R. 13 W

### W.M., CURRY COUNTY, OREGON

DATE: SEPTEMBER 01, 2005  
SCALE: 1" = 50'

SEE TAX MAP  
41 13 5A



ARCHITECTS, ENGINEERS, SURVEYORS, & PLANNERS  
375 PARK AVENUE, COOS BAY, OREGON 97420 (541) 269-1166  
19 N.W. 5TH AVE., PORTLAND, OREGON 97209 (503) 222-1687





## COUNCIL AGENDA REPORT

**To:** Mayor & City Council  
**From:** City Manager  
**Date:** December 27, 2005  
**Re:** Southern Oregon Coast Housing Opportunities Provider (SOC-HOP)  
Request for Approval/Signature on a New Memorandum of Understanding (MOU).

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**Recommendation:**

It is recommended that the Council approve a new MOU with SOC-HOP, and authorize the Mayor to sign on behalf of the City.

**Background /Discussion:**


The attached letter and form of MOU from SOC-HOP explains that the previous 3-year MOU, executed in 2003, has now expired and requests that the City enter a new MOU under the same terms. SOC-HOP serves as the regional coordinator for affordable housing funded by the federal Community Development Block Grant (CDBG) program.

The new MOU is the same as the previous one.

**Financial Impact(s):**

None from City funds. CDBG funds secured under the MOU will be used for housing rehabilitation loans, and other legally uses of the federal funds. All reporting of the uses of federal funds will the responsibility of SOC-HOP.

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

  
Dale Shaddox, City Manager



**Southern Oregon Coast Housing  
Opportunities Provider, L.L.C.**

**Received**  
12-22-05  
Jc

December 21, 2005

Dale Shaddox  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Dear Dale Shaddox,

In 2002 the Southern Oregon Coast Regional Housing Center was established to provide housing services to low and moderate income families. Local jurisdictions within Coos and Curry counties agreed to participate in the center by entering into a Memorandum of Understanding. This MOU pledges to support the activities of the Housing Center and provide a representative to serve on the Member Forum.

The original term of the MOU is now due to expire and we would like to request that the City of Brookings will continue to support the Center by executing a new MOU that will extend three years from the date of signing.

We appreciate your prompt attention to this matter. With your support more than \$1,675,000 has been brought into the Region for housing services.

I have enclosed a MOU for your signature. If you would prefer to have an electronic version, have any questions, or would prefer that someone attend a counsel meeting, please contact me at the Roseburg office.

Sincerely,

Karan B. Reed  
Single Family Housing Manager  
[kreed@umpquacdc.org](mailto:kreed@umpquacdc.org)  
605 SE Kane Street  
Roseburg, OR 97470  
541-673-4909



MEMORANDUM OF UNDERSTANDING  
BETWEEN  
SOUTHERN OREGON COAST HOUSING OPPORTUNITIES PROVIDER, L.L.C.  
AND THE

CITY OF BROOKINGS

1. PARTIES

This document constitutes an agreement between the Southern Oregon Coast Housing Opportunities Provider, L.L.C. ("SOC-HOP"), a 501(c)(3) nonprofit corporation, and City of Brookings (the "participating jurisdiction"), a municipality in the State of Oregon.

2. RECITALS

- a. In 2001 the Oregon Housing and Community Services Department ("OHCSO") set forth a mechanism for distributing housing rehabilitation funding utilizing Community Development Block Grant funds, energy deregulation funds, and other state and federal funding sources. OHCSO desires that regions establish "Regional Housing Centers" to be eligible for these funds. SOC-HOP is a Regional Housing Center.
- b. One of OHCSO's goals is to de-federalize CDBG Housing Grant funds, thereby affording communities greater flexibility in the long-term use of the funds. SOC-HOP will provide a mechanism for fund de-federalization.
- c. SOC-HOP's decisions regarding the regional distribution of de-federalized funds will be made after consultation with the Member Forum, which will consist of representatives of participating jurisdictions. Participating jurisdictions may be cities or counties.
- d. This Memorandum of Understanding is intended to form the mechanism that will allow participating jurisdictions to become members of the Member Forum and become eligible for housing rehabilitation funding. It is also intended as an instrument for ensuring the availability of funds for distribution.
- e. The participating jurisdiction hereby acknowledges that SOC-HOP has been selected to undertake the duties identified herein based on SOC-HOP's specialized skills, knowledge and resources that enable it to exercise its sound professional judgment in carrying out the services required by this Agreement, per OAR 125-020-0130.

3. RESPONSIBILITIES

- a. Participating Jurisdiction:

- 1) The participating jurisdiction will apply for CDBG Housing Grant funds, and will seek the assistance of SOC-HOP, as needed, in preparation of its applications.
- 2) The participating jurisdiction will contract with SOC-HOP as the subgrantee for grant administration and program management of the CDBG Housing Grant if the participating jurisdiction's application is successful.
- 3) The participating jurisdiction will pledge any CDBG Housing Grant funds that it receives to SOC-HOP's Revolving Loan Fund through a sub-grant agreement with SOC-HOP.
- 4) The participating jurisdiction will appoint one member to SOC-HOP's Member Forum, which will monitor operation of initial loan programs and provide a mechanism for members to participate in the rehabilitation and maintenance of affordable housing within their jurisdictions.
- 5) The participating jurisdiction will provide advice to SOC-HOP regarding how the revolving loan fund should operate, housing activities to be supported, and loan terms to be offered.

b. SOC-HOP

- 1) SOC-HOP will act as the subgrantee of CDBG Housing Grant funds and will administer the funds in accordance with the guidelines and requirements of the grant contracts. SOC-HOP will manage all funds in compliance with OHCSO guidelines:
  - a) New CDBG Housing Grant funds will be loaned out for housing rehabilitation in compliance with the grant pursuant to which the funds are received. Upon repayment the funds become de-federalized;
  - b) De-federalized funds will be utilized to meet low-income housing needs in members' areas of the Southern Oregon Coast.
- 2) SOC-HOP will assist loan recipients in identifying and selecting contractors to perform authorized rehabilitation on units for which members have received revolving loan fund loans.
- 3) SOC-HOP will assist participating jurisdictions that have received revolving loan fund loans in obtaining complementary financing for their projects.
- 4) SOC-HOP will undertake additional actions to assist recipients of revolving loan fund loans complete rehabilitation projects in an efficient and effective manner.

4. DURATION:

This agreement will continue in force for a term of three years from the date of signing. At such time as this MOU is terminated, any funds that have been transferred into SOC-HOP's Revolving Loan Fund will remain with SOC-HOP.

\_\_\_\_\_  
City of Brookings

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
Southern Oregon Coast  
Housing Opportunities Provider

\_\_\_\_\_  
*Date*

# CITY OF BROOKINGS

## City Council Agenda Report



Date: December 8, 2005

To: Mayor & City Council

From: Paul Hughes, Finance Director

Subject: Budget Calendar and Budget Officer for Fiscal Year 2006/2007 Budget

Recommendation: **Approve the Fiscal Year 2006/2007 Budget Calendar as presented and appoint the City Finance Director as the Budget Officer.**


Background /Discussion:

Each year the City Council must appoint a Budget Officer and approve the Budget Calendar. The Budget Officer prepares and presents the budget to the Budget Committee. The Budget Calendar is a timeline of the budget preparation process.

Financial Impact(s):

None

City Manager Review and Approval for placement on Council Agenda:

  
Dale Shaddox, City Manager



## CITY OF BROOKINGS 2006 – 2007 BUDGET CALENDAR

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January 9, 2006	.....	City Council to appoint Budget Officer and approve budget calendar
January 10, 2006	.....	Budget worksheets to department heads
January 25, 2006	.....	City Council Goals Session
February 13, 2006	.....	City Council adopts Council Goals
March 1, 2006	.....	Completed department budget worksheets returned to Finance Director
April 12, 2006	.....	Publish 1 <sup>st</sup> notice of Budget Committee meeting
April 19, 2006	.....	Publish 2 <sup>nd</sup> notice of Budget Committee meeting
April 26, 2006	.....	Budget Committee meeting (dates for additional meetings, if necessary, will be set at this meeting)
May 17, 2006	.....	Publish budget summary and notice of Hearing
June 12, 2006	.....	Budget Hearing
June 26, 2006	.....	Budget adoption by City Council

# **CITY OF BROOKINGS**

## **City Council Agenda Report**

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**Date:** January 9<sup>th</sup>, 2006

**To:** Mayor & City Council

**From:** Chief Chris Wallace 27813/201

**Subject:**

December 16<sup>th</sup>, Traffic Safety Committee meeting minutes.

**Recommendation:**

Approve recommended actions suggested by Brookings Traffic Safety Committee members.

**Background /Discussion:**

Review attached memorandum supplied by Officer Marvin Parker regarding December 16<sup>th</sup> Traffic Safety Committee updates and recommendations.

**Financial Impact(s):**

No financial impact outside current budget.

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

  
Dale Shaddox, City Manager

# Interoffice memorandum

**Date:** 12/30/2005  
**To:** Chief Wallace  
**From:** Marvin Parker, Officer  
**RE:** Traffic Safety Committee Meeting December 16, 2005

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Sir,

On December 16, 2005 the Traffic Safety Committee convened, heard the following issues and formulated the subsequent recommendations:

- Speeding on 5<sup>th</sup> Street from Jodie Lane to Ransom.

*Concern:* Excessive speed in residential zone.

*Recommendation:* The Police Department will deploy the reader-board more frequently in the area.

*Action:* Speed survey completed by Brookings PD. Average speed determined not to be excessive for area.

*Anticipated Outcome:* A greater awareness of the posted speed and increased voluntary compliance with the posted speed limit.

- Stop signs at the intersection of Pacific Avenue and Oak Street.

*Concern:* Erratic traffic flow, speeding vehicles in a school zone, and safer pedestrian usage of marked crosswalks at this intersection.

*Recommendation:* Based on the success of the practical test; establish stop signs on Pacific Avenue at Oak Street for north bound and south bound traffic. Eliminate the stop sign on Pacific Ave at Azalea Park Rd. Establish a stop sign on Azalea Park Road at Pacific Avenue. Eliminate the crosswalk on Pacific Ave north of Oak Street and eliminate the crosswalk on Pioneer Rd. east of Pacific Avenue.

*Action:* A practical test of the stop sign placement and elimination of

designated crosswalks is scheduled for January 13, 2005. The test will be conducted in partnership with Public Works, the Brookings Police Department and the Volunteers in Police Service. Upon a successful outcome the recommendations of the Committee will be referred to the City Council for consideration.

*Anticipated outcome:* It is anticipated that with the implementation of the recommendations from the Committee, there will be fewer vehicle and pedestrian conflicts; pedestrian traffic will be channeled to the marked crosswalks on Pacific Avenue at Oak Street, Pacific Avenue south of Fern Avenue, and Pioneer Rd. at Pacific Avenue.

Vehicular traffic, north bound and south bound, on Pacific Ave. will be required to stop at the intersection, providing a safer crossing for pedestrians utilizing the crosswalks, and effectively reduce gridlock within this intersection. Vehicles will be less likely to speed on Pacific Avenue due to the reduced length of uninterrupted roadway. Students trespassing on VFW property to utilize the sidewalks and crosswalks.

- Hub Street Improvements

*Concerns:* Complaint from residence of deteriorating roadway and unsafe open drain ditches.

*Recommendations:* None, the matter was handled by Public Works.

*Action:* Complaint referred to Public Works. Requested repairs have been made.

*Anticipated outcome:* Safer road and roadway.

- Collis Lane.

*Concerns:* Outlined in memo from Planning Department.

*Recommendations:* None.

*Action:* The matter was referred to the Public Works Department.

*Anticipated outcome:* Concerns will be addressed by Public Works.



- Crosswalk on Pioneer west of Easy Street.

*Concerns:* The crosswalk is improperly situated in relation to the intersection of Easy Street and Pioneer Rd. The pedestrians using the crosswalk unnecessarily delay traffic turning right from Easy Street to Pioneer Road. The pedestrians must step into the traffic lane from behind parked vehicles that obstruct driver's line of sight. The pedestrians crossing from the north sidewalk to the south end of the crosswalk must walk in the roadway adjacent to parked cars and passing vehicles. The road is uninterrupted from Hassett Street to Pacific Avenue encouraging higher rates of speed through this intersection and crosswalk.

*Recommendations:* Remove the crosswalk at its present location. Establish a crosswalk on Pioneer Rd. east of Easy Street. Establish a stop sign on Pioneer Rd. at Easy Street for west bound traffic on Pioneer Road. Remove the crosswalk on Pioneer east of Pacific Ave. Establish a crosswalk on Pioneer in front of the Brookings Harbor High School Administration building to the south side of Pioneer Rd.

*Action:* Referred to City Council with the recommendation of the Committee.

*Anticipated outcome:* With the implementation of the recommendations from the Committee, it is anticipated that pedestrians walking on Pioneer Road, east of Easy Street will cross Pioneer Street from one sidewalk to another; reducing their exposure to passing vehicles.

The pedestrian will not unnecessarily delay traffic turning right from Easy Street to Pioneer Road; increasing the efficient movement of traffic and reducing backup onto Easy Street during peak traffic hours.

The compliance with the posted speed limit will be increased with the stop sign acting as a traffic calming device, and affording pedestrians using the crosswalk a greater protection.

The creation of a crosswalk in front of the Brookings Harbor High School Administration building will reduce the number of pedestrians crossing at Easy Street and at Pacific Avenue. This crosswalk will provide more efficient access to the High School for persons doing business there.

There will be an increase in compliance with the city ordinance that requires pedestrians to use crosswalks at this location.

- Limited time parking on Spruce Street and Wharf Street.

*Concerns:* Unrestricted parking on the streets adjacent to the Post Office reduces access to the Post Office during peak hours and while Post Office Box Holders retrieve their mail.

*Recommendations:* Establish a 30 minute, limited time parking zone on the west side of Spruce Street from Center St. to Wharf Street. Establish a 30 minute, limited time parking zone on Wharf Street from Spruce Street to Hemlock Street.

*Action:* Referred to the City Council for approval.

*Anticipated Outcome:* The implementation of a 30 minute, limited time zone in the areas indicated will provide ample parking and easy access for the mobile elderly, the post office box holder, and general public doing business in the Post Office. No conflict should occur with persons that may be more than 30 minutes in adjacent business and County Offices as there is ample long term off street parking, and long term parking on the opposite side of each roadway that would be affected.

- Hassett Street Project.


*Concerns:* Outlined in memo from City Planning.

*Recommendations:* None.

*Action:* Referred to the Public Works Department.

*Anticipated Outcome:* None.

I respectfully submit this memorandum and the attached a copy of the minutes for this meeting for your review.

  
Marvin Parker, Officer.

Attachments

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

In the matter of an appeal of the Planning )	Final ORDER
Commission denial of a side yard setback variance; )	and Findings of
File No. VAR-3-05; Appeal File No. APP-3-05; )	Fact
Kenneth Byrtus, appellant. )	

**ORDER** upholding the Planning Commission denial for a variance to allow a 6 foot side yard setback in lieu of the required 8 foot setback on a 1.18 acre parcel located at the westerly end of Byrtus Place; identified as Assessor's Map 41-13-6CD, Tax Lot 102; zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size).

**WHEREAS:**

1. The City Council duly accepted the appeal filed in accordance with Land Development Code Section 156, Appeal to the Council, which authorizes the Council to hear appeals and Section 136, Variances, which authorizes the Planning Commission to approve, approve with conditions or deny a request for a variance, based upon evidence that the proposal meets the following criteria:
  - A. Exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control, and to which the applicant has not contributed.
  - B. The variance is necessary for the preservation of the property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.
  - C. The authorization of the variance shall not be materially detrimental to the purpose of this code, be injurious to property in the same zone or vicinity in which the property is located or by otherwise detrimental to the objectives of any city development plan or policy.
  - D. The variance request is the minimum variance from the provisions and standards of this code, which will alleviate the hardship.
2. The Brookings City Council duly considered the above described appeal as a de novo hearing on the agenda of its regularly scheduled public hearing on December 12, 2005; and
3. The appeal was presented by the Planning Director in the form of a written Staff Agenda Report dated June 17, 2005 and subsequent memo to the Council dated December 1, 2005 and by oral presentation, and evidence and testimony by the applicant and the public at the public hearing; and,
4. At the conclusion of the public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the City Council, upon a motion duly seconded, accepted the Staff Agenda Report and upheld the Planning Commission denial of the request for the subject application and directed staff to prepare a Final ORDER and Findings of Fact to that affect.

**THEREFORE, IT IS HEREBY ORDERED** that the application for a variance on the subject parcel is denied. This denial is supported by the following findings and conclusions:

## **FINDINGS**

1. The applicant is requesting a side yard setback variance of 2 feet for a RV garage recently constructed on his property.
2. The subject building was constructed using a block wall as a part of the east wall of the building.
3. The access strip for Tax Lot 104, which adjoins the subject property on the south, runs along and adjacent to the east boundary of the subject property.
4. The block wall is actually located approximately 4 feet into the 25 foot wide access strip for Tax Lot 104, which at the time of construction was in a different ownership from the applicant.
5. When questioned by the City Building Official on three occasions, about the location of the building the applicant stated that his property extended to the easterly boundary of the access strip and that the access was an easement over his property. The Building Official has stated that she had no reason to doubt the applicant's statement.
6. The subject property is located within the R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) Zone.
7. The RV garage is 21 feet high and pursuant to the provisions of the R-1-6 Zone requires an 8 foot wide side yard setback.
8. When the actual property boundaries were discovered, the applicant was informed by certified letter that he must show that his understanding of the property lines was correct or remove the building.
9. As a mitigation measure the applicant bought Tax Lot 104 with the intent of moving the easterly boundary of the subject property, through a Lot Line Adjustment, to meet the 8 foot setback requirement.
10. Section 112, Rear Lot Development, of the Land Development Code requires flag lots to have an access strip of at least 15 feet in width.
11. If the easterly boundary of the subject property is moved more than 10 feet into the 25 foot wide access strip, the access strip would fall below the required 15 feet in width.
12. Moving the easterly boundary of the subject property only 10 feet provides a side yard setback of only 6 feet, which is the reason for the variance request.

## **CONCLUSIONS**

The applicant failed to meet Criterion No. 1 in that not knowing where his property line is located does not constitute a circumstance or extraordinary condition that is beyond the applicant's control.

Two of the exhibits submitted by the applicant indicated the actual property line in a location different enough from the location believed by the applicant and that the applicant should have investigated the location further.

Dated this 3<sup>rd</sup> day of **January**, 2006

\_\_\_\_\_  
Pat Sherman, Mayor

ATTEST:

\_\_\_\_\_  
John C. Bischoff, Planning Director

# BUILDING DEPARTMENT ACTIVITIES SUMMARY

For the Month of: December 2005

No.	Building	Permit Fee	Plan Check Fee	Surcharge	SDF's	Value Current Month	No. to Date	Total to Date	No. Last Yr	Total Last Year
2	Single Family Dwelling	\$1,296.00	\$842.40	\$90.72	\$15,758.00	\$370,918.00	44	\$9,510,475.00	48	\$10,495,607.00
0	Single Family Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	15	\$407,119.00	29	\$818,028.00
0	Single Family Garage-Carport	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	13	\$276,071.00	12	\$269,769.00
3	Two Family Residential	\$1,994.16	\$1,516.46	\$139.59	\$25,536.00	\$717,694.00	14	\$5,062,861.00	8	\$2,691,396.00
0	Multi-Family Residential Apts	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	1	\$0.00
0	Commercial New	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	4	\$546,096.00	2	\$149,416.13
0	Commercial Addition-Change	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	10	\$6,260,335.00	14	\$259,384.00
1	Churches	\$331.00	\$215.15	\$23.17	\$0.00	\$65,000.00	2	\$136,936.00	3	\$439,000.00
0	School Repair-Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	2	\$16,870.00	0	\$0.00
0	Building Removal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	4	\$0.00	4	\$0.00
3	Misc.-Retaining Wall-Fence	\$221.00	\$125.03	\$15.47	\$0.00	\$29,795.00	28	\$551,789.00	19	\$260,814.60
9	Total Building Permits	\$3,842.16	\$2,699.04	\$268.95	\$41,294.00	\$1,183,407.00	136	\$22,768,552.00	140	\$15,383,414.73
7	Mechanical Permits	\$212.70	\$0.00	\$14.89	N/A	N/A	96	N/A	113	N/A
4	Plumbing Permits	\$285.60	N/A	\$19.99	N/A	N/A	59	N/A	59	N/A
0	Mfg Home Install - Permit Fee	\$0.00	N/A	\$0.00	N/A	N/A	3	N/A	2	N/A
0	Mfg Home Install - Administrative Fee	\$0.00	N/A	N/A	N/A	N/A	4	N/A	2	N/A
20	TOTAL PERMITS	\$4,340.46	\$2,699.04	\$303.83	\$41,294.00	\$1,183,407.00	298	\$22,768,552.00	316	\$15,383,414.73
	Total Year to Date Calculated Fees	\$81,986.41	\$54,986.05	\$5,760.66	\$582,893.00					
	2004 YTD Calculated Fees	\$61,087.12	\$39,773.88	\$4,301.93	\$488,091.00					

# URBAN RENEWAL DISTRICT - BUILDING DEPARTMENT ACTIVITIES SUMMARY

For the Month of: December 2005

No.	Building	Permit Fee	Plan Check Fee	Surcharge	SDF's	Value Current Month	No. to Date	Total to Date	No. Last Yr	Total Last Year
0	Single Family Dwelling	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	2	\$577,906.00	3	\$1,589,828.00
0	Single Family Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	2	\$17,288.00
0	Single Family Garage-Carport	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	3	\$54,260.00	1	\$33,510.00
0	Two Family Residential	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	1	\$264,636.00
0	Multi-Family Residential Apts	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	Commercial New	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	4	\$546,096.00	2	\$149,416.13
0	Commercial Addition-Change	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	7	\$6,233,335.00	11	\$142,484.00
1	Churches	\$331.00	\$215.15	\$23.17	\$0.00	\$65,000.00	1	\$65,000.00	2	\$439,000.00
0	School Repair-Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	Building Removal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
1	Misc.-Retaining Wall-Fence	\$74.50	\$29.80	\$5.22	\$0.00	\$8,915.00	3	\$271,666.00	3	\$100,250.00
2	Total Building Permits	\$405.50	\$244.95	\$28.39	\$0.00	\$73,915.00	20	\$7,748,263.00	25	\$2,736,412.13
0	Mechanical Permits	\$0.00	\$0.00	\$0.00	N/A	N/A		N/A	11	N/A
0	Plumbing Permits	\$0.00	N/A	\$0.00	N/A	N/A		N/A	5	N/A
0	Mfg Home Install - Permit Fee	\$0.00	N/A	\$0.00	N/A	N/A		N/A	0	N/A
0	Mfg Home Install - Administrative Fee	\$0.00	N/A	N/A	N/A	N/A		N/A	0	N/A
2	TOTAL PERMITS	\$405.50	\$244.95	\$28.39	\$0.00	\$73,915.00	20	\$7,748,263.00	41	\$2,736,412.13
	Total Year to Date Calculated Fees	\$23,104.40	\$20,673.45	\$1,617.32	\$65,804.00					
	2004 YTD Calculated Fees	\$9,773.65	\$6,418.95	\$686.79	\$52,163.00					