



Agenda

City of Brookings

Common Council / Urban Renewal Agency Meetings

Brookings City Hall Council Chamber

898 Elk Drive, Brookings Oregon

May 8, 2006 7:00 p.m.

Before the regular Common Council meeting there will be an Executive Session in the City Manager's office under the authority of ORS 192.660 (2)(i) to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing beginning at 6:00 p.m. The Common Council meeting will begin at 7:00 p.m.

I. Call to Order

II. Pledge of Allegiance

III. Roll Call

IV. Ceremonies/Appointments/Announcements

A. Ceremonies

1. Firefighter State Certifications [page 5]
Firefighter I -- Ron Crouch, Jeff Lee, Jan Miller, Micah Senior
Firefighter II -- Bill Casteel
2. Proclamation - National Police Week [page 7]
3. Proclamation - National Teacher Appreciation Week [page 9]
4. Proclamation - Spring Clean-up Time [page 10]

B. Announcements

1. Yard of the Month - Barbara Schlenz, 965 Brooke Lane [page 11]
Most Improved Property - Laszlo & Patricia Bernat, 96512 Dawson Road
Commercial Property - Words & Pictures, 407 Oak Street

V. Oral Requests and Communications from the Audience

A. Committee and Liaison reports

1. Chamber of Commerce
2. Council Liaisons

B. Public Comment - limited to a maximum of 3 minutes per person

A public comment card, located near the southern council door, must be completed and turned into the Administrative Assistant prior to the beginning of the meeting or prior to approaching the podium to speak.

VI. Regular Agenda

- A. Discussion and possible award of a Professional Services contract for completion of a Storm Water Facilities Master Plan to HGE Inc.(Public Works) [page 15]

- B. Discussion and possible award of a Professional Services contract for Design Services and Project Management through Start-up of a Biosolids Treatment Construction Project to Kennedy Jenks Consultants (Public Works) [page 29]

VII. Consent Calendar

- A. Approval of Council Meeting Minutes
 - 1. Meeting of April 24, 2006 [page 51]
- B. Acceptance of Planning Commission Minutes
 - 1. Meeting of March 22, 2006 [page 57]
 - 2. Meeting of April 4, 2006 [page 61]
- C. Approval of vouchers for month of April, 2005 (\$298,034.15) [page 63]

End Consent Calendar

VIII. Ordinances/Resolutions/Final Orders

- A. **Final Orders**
 - 1. Final Order and Findings of Fact in the matter of Planning Commission File No. ANX-1-06; application for approval of an annexation, KD Properties, et al, applicant. [page 67]
- B. **Ordinances**
 - 1. Ordinance No. 06-O-573, An Ordinance amending the city limits and zoning map of the City of Brookings by annexing 33± acres consisting of seven tax lots and designating the area Residential and applying the R-1-12 (Single Family Residential, 12,000 sq. ft. minimum lot size) on that certain property described below. [page 119]

IX. Remarks from Mayor and Councilors

- A. Council
- B. Mayor

XII. Adjournment to Meeting of Urban Renewal Agency

Urban Renewal Agency Regular Meeting

- I. **Call to Order**
- II. **Roll Call**
- III. **Minutes of October 24, 2005**
- IV. **Regular Agenda**
 - 1. Discussion and possible approval of Façade Grant Program

V. Adjournment



Events

May 2006

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

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
May 1	2	3	4	5	6
9:30am CC- VIPS/Volunteers in Police Service/Marvin Parker 7:00pm FH-FireTng/ChShrp (Fire Hall)	8:30am CC-Investigator/Patrol Information Sharing 6:00pm CC Council/Planning Commission Work S 7:00pm CC-Planning 7:00pm Ed. CEP Evergreen	9:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code committee 7:00pm FH-PoliceReserves	8:15am CC-CmtyDevDpt Staff mtg 9:00am CC-Crm Stoppers 3:00pm CC SafetyComMtg Kathy Dunn	9:00am FH Deposition	
8	9	10	11	12	13
CC Elections Kim					
7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	10:00am FH-Brookings Rural Fire District-Phil Cox-469-5729	10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code committee	8:15am CC-CmtyDevDpt Staff mtg 3:00pm CC Urban Renewal Advisory Committee		14
15	16	17	18	19	20
9:00am CC Elections Kim 9:30am CC-VIPS/Volunteers in Police Service-BPalicki 7:00pm FH-FireTng/ChShrp (Fire Hall)	7:00am CC Elections Kim 8:30am CC-Investigator/Patrol Information Sharing 6:00pm FH-American Red 6:00pm CC Council/Planning 7:00pm CC Planning	10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code committee	8:15am CC-CmtyDevDpt Staff mtg 2:00pm CC CEP Joyce 469-8817 4:00pm CC-Municipal Court		21
22	23	24	25	26	27
7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg		10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code committee	8:15am CC-CmtyDevDpt Staff mtg 10:00am CC CARS mtg 7:00pm CC-Parks & Rec Comm/City Manager	CC Traffic School with Marvin 225	
29	30	31			28
Memorial Day - City Offices closed		10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code committee			

CC Council Chamber
FH Fire Hall
CM City Manager's Office

Events

June 2006

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

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

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			June 1	2	3
			8:15am CC-CmtyDevDpt Staff mtg 9:00am CC-Crm Stoppers 3:00pm CC SafetyComMtg Kathy Dunn		4
5	6	7	8	9	10
9:30am CC- VIPS/Volunteers in Police Service/Marvin Parker 7:00pm FH-FireTng/ChShrp (Fire Hall)	8:30am CC-Investigator/Patrol Information Sharing 7:00pm CC-Planning Commssn 7:00pm Ed. CEP Evergreen Federal Joyce 469	10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code committee 7:00pm FH-PoliceReserves	8:15am CC-CmtyDevDpt Staff mtg 3:00pm CC Urban Renewal Advisory Committee		11
12	13	14	15	16	17
7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	10:00am FH-Brookings Rural Fire District-Phil Cox-469-5729	10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code 5:00pm CC-Victims Impact Panel-Mindy-Curry	8:15am CC-CmtyDevDpt Staff mtg 1:00pm CC-Municipal Court 2:00pm CC CEP Joyce 469-8817		18
19	20	21	22	23	24
9:30am CC-VIPS/Volunteers in Police Service-BPalicki 7:00pm FH-FireTng/ChShrp (Fire Hall)	8:30am CC-Investigator/Patrol Information Sharing 6:00pm FH-American Red Cross Mtg/Karen 7:00pm CC Planning Commission meeting	10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code committee	8:15am CC-CmtyDevDpt Staff mtg 7:00pm CC-Parks & Rec Comm/City Manager		CC Traffic School with Marvin 225
26	27	28	29	30	
7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg		10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code committee	8:15am CC-CmtyDevDpt Staff mtg		

CC Council Chamber
FH Fire Hall
CM City Manager's Office

City of Brookings – Fire Department
898 Elk Drive
Brookings, OR 97415
(541) 469-1140, Fax: 469-3650
bsharp@brookings.or.us
www.brookings.or.us



Memo

To: Mayor, Council
From: William Sharp, Fire Chief
Date: 4/25/06
Re: Firefighters achieving State certification

The State of Oregon Department of Public Safety & Standards and Department policy requires that all firefighters achieve certification of Firefighter I and above to provide the service to their communities. This certification requires at least 6 months of training and education. Recently State testing was conducted at our station to provide new personnel the opportunity to achieve this level of certification. Five firefighters took the test and received their State certification for Firefighter I or II. They are as follows:

Billy Casteel- Firefighter II
Ron Crouch- Firefighter I
Jeff Lee- Firefighter I
Jan Miller- Firefighter I
Micah Senior- Firefighter I

We would like to recognize and congratulate these firefighters for this achievement.



PROCLAMATION

Whereas, The Congress and President of the United States have designated May 15th as Peace Officers' Memorial Day, and the week in which May 15th falls as National Police week; and

Whereas, the members of the law enforcement agency of the City of Brookings play an essential role in safeguarding the rights and freedoms of the City of Brookings; and

Whereas, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

Whereas, the men and women of the law enforcement agency of Brookings unceasingly provide a vital public service;

Now, therefore, I, Mayor of Brookings, call upon all citizens of Brookings and upon all patriotic, civic and educational organizations to observe the week of May 14-20th, 2006, as "Police Week" with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

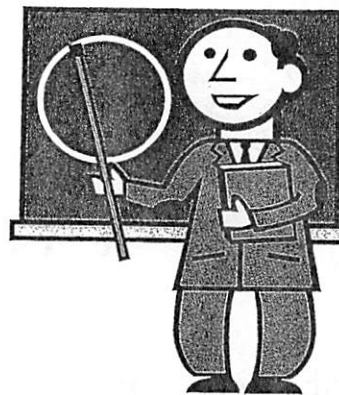
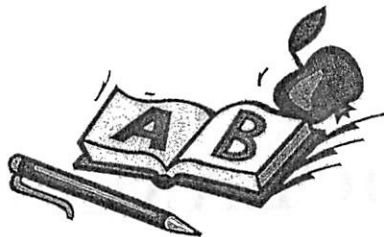
I further call upon all citizens of Brookings to observe Monday, May 15th, as "Peace Officers' Memorial Day" in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

In witness thereof, I have hereunto set my hand and caused the Seal of the City of Brookings to be affixed this 8th day of May, 2006.

A handwritten signature in cursive script, reading "Pat Sherman".

Mayor Pat Sherman





National Teacher Appreciation Week

Proclamation

WHEREAS, today's teachers mold our future citizens through their guidance and education, and

WHEREAS, today's teachers encounter students of widely differing backgrounds and abilities, and

WHEREAS, our society expects public education to provide quality education services to all children, no matter what their backgrounds or abilities, and

WHEREAS, our country's future depends, in large measure, upon the education our youth receive today, and

WHEREAS, teachers spend countless hours outside their classrooms preparing lessons, evaluating progress, counseling and coaching students and performing community service, and

WHEREAS, our community recognizes that its teachers are providing quality education services to our children,

NOW, THEREFORE: I, Mayor of Brookings, proclaim May 8th through 12th, 2006, as Teacher Appreciation Week in Brookings, Oregon, and encourage all members of our community to join me in recognizing the dedication and hard work of these individuals.

Signed: Pat Sherman

Dated: 4/26/06





PROCLAMATION

WHEREAS, the Brookings-Harbor area has attained wide recognition for its natural beauty and friendliness; and

WHEREAS, the citizens of the Brookings-Harbor area are known for their civic pride; and

WHEREAS, a large number of visitors visit our area during the spring;

NOW, THEREFORE, I, Pat Sherman, Mayor of the City of Brookings, do hereby proclaim the months of April and May as

"SPRING CLEAN-UP TIME IN BROOKINGS-HARBOR"

And ask all citizens to pitch-in,
join the Community Pride Partnership Clean-Up Program
and show pride in our community.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Brookings to be affixed this 8th day of May, 2006.

A handwritten signature in cursive script that reads "Pat Sherman".

Pat Sherman
Mayor



Yard of the Month

Barbara Schlenz

965 Brooke Lane, Brookings, OR

Location

May, 2006

For Month and Year

Pat Sherman

Pat Sherman, Mayor of the City of Brookings

May 5th, 2006

Date

Dale Shaddox

Dale Shaddox, City Manager of the City of Brookings

City of Brookings
898 Elk Drive
Brookings, OR 97415
(541) 469-2163



Most Improved Property of the Month

Laszlo & Patricia Bernat

Location 96512 Dawson Road, Brookings, Oregon

May, 2006

For Month and Year

Pat Sherman

Pat Sherman, Mayor of the City of Brookings

May 5th, 2006

Date

Dale, Shaddox, City Manager of Brookings

Dale Shaddox



City of Brookings
898 Elk Drive
Brookings, OR 97415
(541) 469-2163



Commercial Property of the Month

Words & Pictures

407 Oak Street, Brookings, Oregon

Location

May, 2006

For Month and Year

Pat Sherman

Pat Sherman, Mayor of the City of Brookings

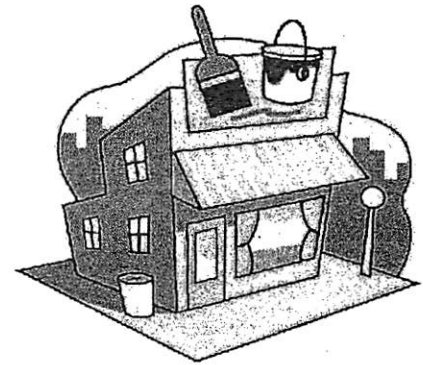
May 5th, 2006

Date

Dale Shaddox

Dale Shaddox, City Manager of the City of Brookings

City of Brookings
898 Elk Drive
Brookings, OR 97415
(541) 469-2163



CITY OF BROOKINGS

City Council Agenda Report



Date: April 28, 2006

To: Mayor & City Council

From: Don Wilcox, Public Works Director *DW*

Through: Dale Shaddox, City Manager

Subject: Stormwater Master Plan

Recommendation: Award of a Professional Services contract for completion of a Storm Water Facilities Master Plan to HGE Inc. in the amount of \$125,000.

Background /Discussion:

The City of Brookings and Curry County entered into an Intergovernmental Agreement (IGA) effective November 2, 2005 to work together to hire a consulting firm to produce a Stormwater Facilities Master Plan (SWFMP) for the Brookings Urban Growth Boundary (UGB). The City then contracted with the Rogue Valley Council of Governments (RVCOG) to write the Scope of Services and assist in Consultant selection. We have selected HGE Engineering as the best qualified consultant to complete this project given their qualifications, local experience and ability to perform within the timelines required by the grant expiration. The Oregon Department of Land Conservation and Development (DLCD) have approved our selection of HGE as a qualified Consultant. This project will be complete within 180 days of authorization to proceed.

Financial Impact(s):

The City of Brookings currently has budgeted \$50,000 for the project, and has been awarded a reimbursable matching \$50,000 grant from the DLCD. Curry County has also been awarded a reimbursable \$25,000 grant from DLCD for this project.

City Manager Review and Approval for placement on Council Agenda:

Dale Shaddox, City Manager

**STANDARD FORM OF AGREEMENT
BETWEEN
OWNER AND ENGINEER
FOR
STORM WATER FACILITIES MASTER PLAN**

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

OWNER retains ENGINEER to perform professional engineering services, and to provide professional engineering consultations and advice for a professional fee (as set forth below) in connection with the preparation of a **Storm Water Facilities Master Plan (the Assignment)** within the Urban Growth Boundary (UGB) for the City of Brookings.

SECTION 1 - BASIC SERVICES OF ENGINEER

- 1.1 PROJECT. ENGINEER'S work shall consist of developing a Storm Water Facilities Master Plan in accordance with the tasks outlined herein. After written authorization to proceed, ENGINEER shall perform the professional services as outlined in Attachment A.
- 1.2 All work shall be in accordance with the attached Project Background, Project Approach, and Scope of Work provided in **Attachment A, for areas with the Brookings Urban Growth Boundary (UGB)**. All work is anticipated to utilize a combination of Oregon Department of Land Conservation and Development (DLCD) grants, City of Brookings, and Curry County funds.

SECTION 2 - ADDITIONAL SERVICES

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

SECTION 3 - OWNERS RESPONSIBILITIES

- 3.4 OWNERS shall do the activities shown in Attachment A.

SECTION 4 - PERIOD OF SERVICE

- 4.1 ENGINEER shall perform the basic services under this Agreement within 180 days of authorization, commencing on the date of receipt of the signed Agreement from

OWNERS. ENGINEER shall inform OWNERS of any scheduling delays and possible consequences. The parties may mutually agree to extend the agreement period.

- 4.2 ENGINEER'S additional services will be performed and completed within the time period agreed to in writing by the parties at the time such services are authorized.
- 4.3 If any time period within or date by which any of ENGINEER'S services are to be completed is exceeded through no fault of ENGINEER, all rates, measures and amounts of compensation and the time for completion of performances shall be subject to equitable adjustment.
- 4.4 This Agreement shall remain in force until the basic services are completed and accepted, or until terminated in accordance with Section 6: Termination.

SECTION 5 - PAYMENTS TO ENGINEER

- 5.1 OWNERS shall pay ENGINEER for all basic services rendered under Section 1 and defined in **Attachment A**, for areas within the Brookings Urban Growth Boundary, as follows:
 - 5.1.1 Engineering services shall be provided on an hourly rate basis, with rates stipulated in Attachment B, with a not to exceed cost of **\$125,000** for developing the Storm Water Facilities Master Plan. If requested by OWNERS, additional engineering shall be compensated on an hourly basis according to the attached fee schedule (**Attachment B**), and such fees shall be over and above the engineering services described above.
- 5.2 ENGINEER shall submit monthly statements for basic services rendered. OWNERS shall make monthly payments for ENGINEER'S monthly invoices with 15 days of receipt of billing.
 - 5.2.1 ENGINEER'S above charges are on the basis of prompt payment of bills rendered and continuous progress of the work on the Assignment until submission of the plan.

SECTION 6 - TERMINATION

- 6.1 Either party may terminate this agreement upon ten (10) working days written notice to the other in the event of a material breach by the other party to perform in accordance with the terms hereof, but only if said breach is through no fault of the terminating party and said breach is not corrected before the date of termination. Written notice of the breach shall be provided to the other party, who shall have 10 days from the date notice is received to correct the breach.
- 6.2 This agreement may also be terminated by OWNERS without cause by giving 30 days written notice.

- 6.3 In the event of termination, the ENGINEER shall be paid for services performed to the termination notice date.
- 6.4 Such early termination shall not give rise to any claim for loss of anticipated profits.
- 6.5 The grant agreement between the OWNERS and the DLCD expires on June 30, 2006. It is anticipated that the grant time period will be extended, but it is understood by all parties that this Agreement will terminate if the grant period is not extended. If the time period is not extended, any work which is not billed and paid by July 31, 2006 will not be paid.

SECTION 7 - GENERAL CONSIDERATIONS

- 7.1 WARRANTY OF ABILITY. ENGINEER warrants to OWNERS that ENGINEER is in the business of providing the type of personal service required for the performance of this Agreement, has obtained all necessary certifications, degrees, and licenses.
- 7.2 HOLD HARMLESS. It is understood that ENGINEER is not an agent of OWNERS, but an independent contractor, and shall not represent itself as an agent of the OWNERS. ENGINEER is not authorized to enter into any contracts on behalf of OWNERS and shall be solely responsible for such contracts and shall indemnify and defend the OWNERS on any claims arising out of such contracts.
- ENGINEER shall provide all necessary support services at ENGINEER'S expense. OWNERS may provide additional support services at the discretion of OWNERS authorized representative.
- 7.3 STATUTORY AND REGULATORY COMPLIANCE. ENGINEER shall comply with all federal, state and local laws, ordinances and regulations applicable to the work under this Agreement. This includes, without limitation, the applicable provisions of ORS Chapter 279B, particularly 279B220, 279B230, and 279B235.
- 7.4 GENERAL COMPLIANCE WITH LAWS. It is understood that all work shall be performed in compliance with federal, state, and local laws and ordinances applicable to public contracts and the Work to be performed under this Agreement.
- 7.5 LIABILITY TO THIRD PERSONS. Neither ENGINEER nor ENGINEER'S independent professional associates or consultants shall by this Agreement, be liable to third persons for claims, damages, losses or expenses.
- 7.6 PROJECT INSURANCE. It is agreed that the ENGINEER will obtain and maintain, at the ENGINEER'S expense, such insurance as will protect the ENGINEER and OWNERS from claims under Worker's Compensation Act by ENGINEER'S employees and such comprehensive general liability insurance as will protect the OWNERS and the ENGINEER from all claims for bodily injury, death, or property damage and other claims which arise from the performance by the ENGINEER or by the ENGINEER'S employees of the services required under this Agreement. ENGINEER shall obtain and maintain in effect during the term of and until final acceptance of all work under this Agreement a policy of liability and property damage insurance with limits not less than

those set forth in ORS 30.270. OWNERS shall be listed as additional insureds on liability and errors and omissions policies. Worker's Compensation Insurance shall not require listing of OWNERS as additional insureds.

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

SECTION 8 - FORCE MAJEURE

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

SECTION 9 - RESTRICTIONS

- 9.1 ENGINEER shall make prompt payments as due to all persons supplying labor or materials to ENGINEER for the work provided under this agreement. ENGINEER shall not permit any lien or claim to be filed or prosecuted against OWNERS on account of

any labor or material furnished. If ENGINEER fails, neglects or refuses to make prompt payment of any claim for labor, services, or material furnished to ENGINEER or a subcontractor in connection with this agreement as such claim becomes due, OWNERS may pay such claim to the person furnishing the labor or material and charge the amount of the payment against funds due or to become due to ENGINEER under this agreement.

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

SECTION 10 - INDEMNIFICATION

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

SECTION 11 - WAIVER

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

SECTION 12 - SEVERABILITY

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

SECTION 13 - INTEGRATION

- 13.1 This Agreement constitutes the entire agreement between OWNERS and ENGINEER regarding the Services and supercedes all prior or contemporaneous oral or written representations or agreements. This Agreement shall not be modified except by a document signed by both parties, under the terms of the Intergovernmental Agreement between the City of Brookings and Curry County, and in writing.

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

Donald Wilcox, P.E.
Public Works Director
City of Brookings

898 Elk Drive
Brookings, OR 97415

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

David J. Pratt, AICP
Planning Director
Curry County
Department of Public Services
P.O. Box 746
Gold Beach, OR 97444

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

OWNER: CITY OF BROOKINGS

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

Mayor

President

Date

Date

OWNER: CURRY COUNTY, OR.

Commissioner

Date

Commissioner

Date

Commissioner

Date

Attachment "A"

1.0 OVERVIEW

1. Project Background:

The City and County have a need for a new comprehensive plan to provide the basis for constructing necessary stormwater quality and conveyance facilities within the Brookings Urban Growth Boundary. Currently the City is relying on a Storm Drainage Master Plan prepared by HGE Engineering in 1985 (City of Brookings Comprehensive Plan for Storm Drainage Development). The plan relies in large part on a piped drainage system with minimal detention. This project will develop a new City and Urban Growth Area Stormwater Facilities Master Plan (SWFMP).

The SWFMP will evaluate the City's present infrastructure; evaluate future needs posed by anticipated growth and needs for buildout of the Urban Growth Boundary (UGB). It will recommend any needed facility and policy changes necessary to better manage the structural and non-structural aspects of the City's stormwater management system. The SWFMP will provide a comprehensive facility master plan that covers the entire City UGB, addresses stormwater quality and quantity issues as driving factors, and supports the City and County's present CWA, ESA, Safe Drinking Water Act (SDWA) and future TMDL programs and compliance efforts. In addition the plan will address steep slope drainage and erosion and sediment control issues.

2. Project Assumptions/Parameters:

The final project should reflect the following approach:

1. It should utilize a watershed approach recognizing the Chetco River and other smaller Pacific drainages within the UGB as the primary areas of concern.
2. The project should incorporate a multi-phase plan development process, as outlined in the following sections.
3. Planning and policy development will support applicable regulatory rules.
4. The SWFMP will be developed in conjunction with City, County and RVCOG staff, such that the final project will be resilient, adaptable, and expandable to conform to the future needs of the City and County.
5. The recommended projects shall be geared toward long-term, cost-effective facilities that rely on open/natural systems. Mechanical facilities with higher life cycle costs will be avoided.

3. The physical scope of the SWFMP:

The jurisdiction and authority of the City and County vary outside the UGB; therefore, the scope of this project necessarily extends beyond the limits of the UGB:

1. The SWFMP encompasses the entire contributing basin for the existing developed stormwater system and projected expansion within the UGB.
2. Some existing and anticipated stormwater management system facilities are, and will be, located outside of the City limits and the UGB, and the SWFMP should identify opportunities and constraints associated with these facilities. The system hydraulic model must also accept and evaluate flows from upstream contributing basins, and account for discharges onto lands not under current City or County jurisdiction.

2.0 PROJECT APPROACH

This project will be developed using a phased approach. Tasks associated with each phase are described in the following sections.

1. Initial Phase:

1. Set project policies and modeling parameters applicable to all urban growth area drainage basins and for the Chetco River. Review rainfall data, published event data and establish event criteria for stormwater quantity and water quality analysis;
2. Identify stakeholders and regulators who might be impacted by or impact the stormwater facilities (e.g., land owners, City of Brookings, Curry Co., ODOT, DEQ, NOAA Fisheries) and attend meetings at the request of the City to identify key issues to be addressed in the plan;
3. Identify critical missing data about the existing conveyance system and work with the City to obtain the data;
4. Build the system hydrologic and hydraulic conveyance model. This model will be developed for the entire physical scope of the SWFMP, so that the model is available for capacity and conveyance review by the City;
5. Identify system constraints and deficiencies, and develop prioritized conceptual plans/projects to resolve system deficiencies along with estimated costs.
6. Provide work sessions with County Commissioners at request of County.

2. Evaluation Phase:

1. Develop policies and procedures for water quality assessment and monitoring within the urban watersheds. Evaluate the City's existing water quality data, propose tools to achieve compliance with the

- anticipated TMDLs or load allocations for stormwater discharge;
2. Develop a conceptual list of structural facilities (BMPs) to implement an effective watershed management program addressing both quantity and quality of runoff. The program should support NPDES Phase II regulatory requirements;
 3. Calibrate the existing conditions model based on reported or observed past flooding conditions;
 4. Investigate flow monitoring equipment, deployment locations and protocol for long term flow monitoring activities. Establish an ongoing calibration protocol and guidelines for the hydraulic model;
 5. Expand the existing system hydrologic and hydraulic model to meet the needs of future development to the UGB, and to accommodate basin flows; and
 6. Work with the City and RVCOG to incorporate stakeholder issues into the SWFMP, recommend policies and projects, and define direction for ongoing interaction as needed.

3. Final Phase:

1. Compile the present and future system models and proposals for stormwater management facilities into a comprehensive master plan for quantity and water quality. Provide electronic (ESRI-compatible GIS) and paper maps of: the existing facilities including outfalls, identified deficiencies, proposed improvements, and future system extensions;
 2. Develop associated cost estimates for facility construction based on life cycle cost comparison, as well as ongoing maintenance costs; and
 3. Provide a procedures manual for implementation of activities necessary to maintain and monitor the stormwater facilities in an adaptive fashion;
- 4. Concurrent and associated programs or activities that will support the SWFMP efforts include the following. All of these tasks have been, or will be, be completed outside the scope of this project:**
- Parks Master Plan
 - Wetland Resource Plan

3.0 SCOPE OF WORK

This section describes the City and County's view of the desirable products and services to support the City and County's Stormwater Master Planning service needs. The primary activities/work products/deliverables needed to develop the SWFMP will be assigned as follows:

City and County staff will be responsible for completing several supporting tasks:

Activity
Provide GIS, topography on 5' contour intervals, database files and existing stormwater system data needed for the model development.
Provide all criteria and full information as to OWNERS requirements for the Assignment, and designate in writing a person with authority to act on OWNERS behalf on all matters concerning the Assignment.
Furnish to ENGINEER all available data pertinent to the Assignment, and provide ENGINEER services of OWNERS employees required for the performance of ENGINEER'S services hereunder. ENGINEER shall be entitled to use and rely upon all such information and services provided by OWNERS or others in performing ENGINEER'S services under this Agreement.
Provide the ENGINEER with copies of all documents listed in the project background, project approach, and scope of work. Any mapping of the existing drainage system, and all previous drainage studies, if available, will be provided for usage by the ENGINEER, who will utilize the data as background information for preparation of the Storm Water Facilities Master Plan, as described.
Conduct a data and document review to locate, organize, and summarize historical information to aid with plan development.
Assist in developing policies and parameters for improvements in under-developed lands within city limits and the UGB.
Upon notice, arrange for access to and make all provisions for ENGINEER to enter upon public and private property as required for ENGINEER to perform services under this Agreement.
Assist in developing policies and parameters for evaluating analysis results and formulating recommendations to address issues and constraints identified in modeling and calibration analysis.
Assist ENGINEER during field investigations in the City of Brookings, by advising Engineer of all know drainage piping and concerns existing in the City of Brookings.
Bear all costs incident to compliance with the requirements of Section 3 by OWNERS employees.
Coordinate/facilitate public involvement in the plan development.
Evaluate current and long-range impacts of the SWFMP on the City and County's land development activities, including compliance with statewide planning goals and public notice/meeting requirements.

The consultant team will provide the following elements of the SWFMP:

Activity
Consult with OWNERS to clarify and define OWNERS requirements for the Assignment and review available data.
Review existing drainage plans, planning documents, regulatory rules, programs and activities, and literature necessary to plan development.
In conjunction with City and County Staff, develop and provide for the City and County's use a continuous hydrologic computer model representing discreet sub-basins throughout the City's urban growth area and all upstream hydraulically connected area. Basin characteristics shall be derived from the City and County's topographic, planimetric, and demographic information. Analysis of that data shall generate parameters to support a model using surface runoff based on climate, topography, soils, and other conditions specific to the Brookings study area.
Advise OWNERS as to the necessity of OWNERS providing or obtaining from others special services and data required in connection with the Assignment and assist OWNER in obtaining such data and services.
Build a dynamic, continuous simulation hydraulic model covering the last five years from the City and County's provided data sets that represents the developed conveyance system from all discrete basins identified in the hydrologic model. A point of contribution shall be provided for any portion of a sub-basin, within the developed system.
Evaluate existing flow data and surveyed event maximum stage data for model calibration. Investigate flow monitoring equipment, deployment and protocol for long term flow monitoring activities. Establish an ongoing calibration protocol/guidelines for the hydraulic model.
Identify stakeholders, and regulators who might be impacted by or impact the stormwater facilities (land owners, City of Brookings, Curry Co., ODOT, DEQ, NOAA Fisheries). Refine stakeholder issues into current and future tasks, establish policies, identify projects, and define direction for ongoing interaction as needed.
Provide analyses of OWNERS needs with evaluations and comparative studies and planning.
Develop recommended policies and procedures for water quality assessment and monitoring within the urban watershed. Evaluate existing water quality monitoring data, propose tools to achieve compliance with TMDLs or load allocations for stormwater discharge: <ul style="list-style-type: none"> Identify constituents of concern and integrate the known activities contributing to impaired water quality into a non-point source loading routine linked to the developed hydraulic model and GIS coverage. Run sensitivity testing for the model using parameters obtained during the City and County's monitoring efforts (temperature, pH, conductivity, and dissolved oxygen [DO]). Evaluate the use of default values for other WQ parameters. The specific modeling software will be determined in consultations between the selected consultant and the City and County, RVCOG and technical advisors.
Expand the computer models as needed to provide service to future development of under-developed lands within the city limits and UGB for the particular basin area, utilizing the policies and parameters developed above.
Utilize the modeling output and City and County input to identify system deficiencies/needs for each basin, with regard to: <ul style="list-style-type: none"> Water quality Capacity

<ul style="list-style-type: none"> ▪ Conveyance type and/or condition.
<p>Prepare a conceptual plan showing the proposed locations and types of water quality, capacity and conveyance facilities necessary for a particular basin for managing the anticipated stormwater system pollutants and flows, with options to provide flexibility needed for potential future development.</p>
<p>Develop recommendations, based on the assessment of existing facilities, information in the aforementioned activities and analyses, and the computer modeling, outlining the following parameters:</p> <ul style="list-style-type: none"> ▪ Improvements to address existing stormwater management system issues and deficiencies; ▪ Best Management Practices (BMPs) and Best Available Technologies (BATs) that should be incorporated into new construction and/or operation and maintenance of conveyance and water quality facilities; ▪ Riparian area management requirements (i.e., setbacks, vegetation, use for pretreatment, etc.) necessary to meet CWA and ESA objectives/standards; ▪ Stormwater management requirements to be applied to future development; ▪ CIP projects, including prioritization, phasing, and anticipated construction and implementation costs.
<p>Prepare a report of ENGINEER'S findings and recommendations and furnish nine (9) draft copies and one reproducible and one electronic copy, to be reviewed in person with OWNER.</p>
<p>Compile the present and future system models and proposals for stormwater management facilities into a comprehensive master plan with mapping of facilities.</p>
<p>Provide procedures manual for implementation of activities necessary to maintain and monitor the stormwater facilities in an adaptive fashion.</p>
<p>It is understood that Curry County will request plan reviews by Charles Strom, P.E., Marquess & Associates, Curry County Engineer of record, and ENGINEER will provide compensation for plan reviews.</p>

Attachment "B"

HGE INC., ARCHITECTS, ENGINEERS, SURVEYORS & PLANNERS

STANDARD HOURLY RATE SCHEDULE

Effective January 1, 2006

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

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

Reimbursable Expenses:

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

Mileage - at \$0.38

CITY OF BROOKINGS

City Council Agenda Report



Date: April 6, 2006

To: Mayor & City Council

From: Don Wilcox, Public Works Director *(DTW)*

Through: Dale Shaddox, City Manager

Subject: Biosolids Treatment Project Design

Recommendation: Award of a Professional Services contract for Design Services and Project Management through Start-up of a Biosolids Treatment Construction Project to Kennedy Jenks Consultants in the amount of \$389,870.

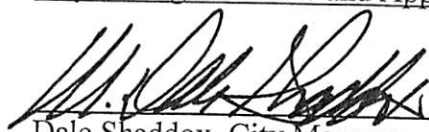
Background /Discussion:

Staff has previously presented to Council an Evaluation of Biosolids Treatment Alternatives and Preliminary Design Report and a recommendation of a Class "A" Biosolids Treatment project to proceed with toward Detailed Design and Construction of this project. We have received Proposals from two Professional Consulting Engineering firms for Engineering Services for this project. We also contacted FKC, the manufacturer of the equipment chosen for this project to see if they offer a complete design, installation and start-up package but they are only set-up to supply equipment, not provide Engineering or Construction services. After evaluating the proposals received we recommend Kennedy Jenks Consultants as fully qualified and the lowest bidder.

Financial Impact(s):

The current estimated total project cost will be approximately \$3,800,000 and annual costs including operations, staffing and debt service to the City will be approximately \$230,000. The design and project management costs are budgeted in the wastewater fund but expected to be reimbursed with the loan package for the entire project. Staff presented this project to the State's "One Stop Financing" program and received information on three available funding sources including the Oregon State Public Works Fund, USDA Rural Utilities Services, and Oregon Department of Environmental Quality Revolving Fund. Each has different loan terms, rates, fund timing and application requirements. As the detailed design sheds light on a definite project cost we will bring our recommended financing program forward for your approval. In addition, staff has completed an application from Senator Smith's office for potential grant funding through special programs. Any grant funds received will decrease the necessary loan amount and lessen the burden on the waste water rates.

City Manager Review and Approval for placement on Council Agenda:


Dale Shaddox, City Manager

Kennedy/Jenks Consultants

Engineers & Scientists

240 Country Club Road, Suite A
Eugene, Oregon 97401
541-338-8135
541-338-8180 (Fax)

13 April 2006

Mr. Joe Ingwersen
Chief Treatment Plant Operator
City of Brookings
901 Wharf Street
Brookings, Oregon 97415

Subject: Statement of Interest and Qualifications (SIOQ)
Detailed Design of the FKC Screwpress Biosolids Project
City of Brookings, Oregon

Dear Mr. Ingwersen:

Kennedy/Jenks Consultants (Kennedy/Jenks) is excited about the opportunity to work with the City of Brookings (City) on this important biosolids dewatering and Class A processing project. Based on your request and our discussions with City staff, we have enclosed a scope of services, standard terms and conditions, and a not-to-exceed budget of \$389,870. Table 1 summarizes our proposed schedule that should have the FKC screwpress operational by June 2007.

Table 1. Proposed Project Schedule

Activity	Duration	Date
Develop project scope and authorize		April 2006
Prepare draft design documents	4 months	September 1, 2006
City/DEQ review	1 month	October 1, 2006
Bid period and permit process	1 month	November 1, 2006
Award contract	1 month	December 1, 2006
Construction	6 months	June 1, 2007
Total project	13 months	

The primary project staff would be located in our Eugene office, as outlined below, with structural and electrical support from Kennedy/Jenks' Federal Way and San Francisco offices. All activities will be completed by Kennedy/Jenks's staff. Subconsultant effort, particularly for construction services, will not be used for this project.

Kennedy/Jenks Consultants

Mr. Joe Ingwerson
City of Brookings
13 April 2006
Page 2



Project Management will be performed by **Mr. Ron Walz** located in our Eugene, Oregon office. Ron has over 17-years of experience in the design of municipal wastewater facilities. He was the Project Manager for the last major expansion of the Brookings Wastewater Treatment Plant and has worked with the City on other related projects as well.



Project Engineer will be **Mr. Monty Hazlehurst** also located in our Eugene, Oregon office. Monty has over 19 years of experience in the design of municipal wastewater facilities. Monty was the Project Engineer for the last major expansion of the Brookings Wastewater Treatment Plant and has experience designing biosolids dewatering and Class A processing equipment using lime.

Kennedy/Jenks has over 85 years of experience with designing wastewater projects throughout the west coast. As lead engineers for your most recent wastewater treatment plant expansion, Ron Walz and Monty Hazlehurst are intimately familiar with your facility. In addition, each of them has extensive experience with the design and construction of biosolids dewatering and Class A processing equipment.

Thank you for considering us for this assignment. If you have any questions, please feel free to contact either Ron Walz or Travis Tormanen at (541) 338-8153 and (503) 295-4911, respectively. We look forward to working with you.

Very truly yours,

KENNEDY/JENKS CONSULTANTS

Ron Walz
Project Manager

A handwritten signature in dark ink, appearing to read "Travis Tormanen".

Travis W. Tormanen
Principal-In-Charge

Mr. Joe Ingwersen
City of Brookings
13 April 2006
Page 3

Terms and Conditions

It is understood that this project, along with any follow-up work, will be performed using the attached Kennedy/Jenks Consultants Standard Conditions dated 1 January 2006.

Scope of Services

Task 1 – Project Management

The project management task includes conference calls with the City, schedule tracking, budget tracking, and invoice preparation.

Subtask 1.1 Work Plan. A project work plan will be provided for the detailed design. It will include schedule, task budgets, and deliverable products. The work plan will include measures that will be taken to ensure the quality of deliverable products. The schedule will incorporate progress meeting dates and milestones when deliverables are to be submitted.

Subtask 1.2 Invoicing and Communications. Maintain frequent and open communication with the City of Brookings. Invoices will be prepared and submitted monthly.

Task 2 – Draft Plans and Specifications

Prepare draft plans and specifications at 60 and 90 percent design levels to illustrate general, civil, process and instrumentation, structural, mechanical, and electrical information necessary for the modification of existing facilities and construction of the new facilities.

Subtask 2.1 Draft Plans and Specifications. Develop plans and specifications to show general, civil, process, mechanical, electrical, and instrumentation information necessary for the construction of the new facilities. It is assumed that the Engineer will use existing electronic files of control drawings and surveying backgrounds to show modifications required for this project.

Submit two sets to the City and one set to the Oregon Department of Environmental Quality (DEQ) for review at the 60 and 90 percent completion level. Include the following in the construction contract documents:

- General and Civil Design
- Process Diagram Design
- Structural Design
- Mechanical Design
- Electrical and Instrumentation Design
- Technical Specifications
- Standard Conditions

Mr. Joe Ingwerson
City of Brookings
13 April 2006
Page 4

Subtask 2.2 Construction Cost Estimates for 60 and 90 Percent Review.
Estimate the construction cost estimate at the 60 and 90 percent design stages.
Subdivide the cost estimate into separate estimates of major divisions that are easily identified.

Task 3 – Review Meetings

Formal project review meetings will be held with the City and the DEQ at the 60, and 90 percent completion levels. An updated estimate of the construction cost will be provided at each of the review meetings.

Task 4 – Quality Confirmation

Independent internal quality confirmation reviews conducted during the project will include calculation checks and peer reviews; and cross-checking between disciplines and between the plans and specifications will be performed.

Subtask 4.1 Structural Peer Review. A structural peer review will be performed to check calculations.

Subtask 4.2 Electrical Peer Review. An electrical peer review will be performed to assure coordination between electrical design and equipment manufacturer responsibility.

Subtask 4.3 Coordination Cross-check. A coordination cross-check will be performed between disciplines and between the plans and specifications.

Task 5 – Final Plans and Specifications

This task incorporates final review comments and completes final plans and specifications ready for printing and bidding.

Subtask 5.1 Prepare Final Plans and Specifications. Incorporate City, DEQ and QA/QC comments into the final plans and specifications. The Engineer will provide 20 sets of ½ size final plans and specifications.

Subtask 5.2 Final Construction Cost Estimate. The Engineer will provide a final estimate of construction costs including materials testing and inspection.

Subtask 5.3 Advertisement. The Engineer will prepare advertisements for bids. The Engineer will arrange and pay for the advertisements.

Subtask 5.4 Permits. The Engineer will arrange and pay for reviews required to obtain permits and licenses for construction of deliverables. It is assumed that the Contractor will provide structural design calculations for the Engineer's use in

Mr. Joe Ingwersen
City of Brookings
13 April 2006
Page 5

obtaining building permits. It is also assumed that the Contractor will coordinate with the City and building permit officials to present the calculations in an acceptable format.

Summary of Contract Deliverables

- PMP updated for the design phase
- 60, and 90 percent review deliverables
- 20 Copies of ½ size final plans and specifications
- Structural Design calculations

Task 6 – Bid Services

During the bidding period, the Engineer will interface with the construction contractors to secure construction bids. Engineering fee assumes a 4 to 6-week bid period.

Subtask 6.1 Pre-Bid Meeting. The Engineer will attend a pre-bid meeting and document any required clarification and changes through meeting minutes and addenda. The Engineer will facilitate receipt and tabulation of proposals, review the proposals, and provide a technical recommendation on award of contract.

Subtask 6.2 Bid Period and Award. Contract documents will be distributed and the plan holders list will be maintained during the bidding period by the Engineer. The Engineer will answer technical questions from prospective bidders and will distribute as necessary addendums to all plan holders. The Engineer will not review requests for substitutions or alternative equipment during this period.

Deliverables

- Plan holders list
- Up to two addendum are anticipated
- Recommendation on award of construction project

Task 7 – Operations and Maintenance Manual and Startup

The following operations services will be included.

Subtask 7.1 O&M Manual. The Engineer's operational services staff will work with the City's staff to define and implement the required updates to the existing Operations and Maintenance Manual. This includes updates for the new biosolids processing facility.

Subtask 7.2 Start-up and Commissioning. The Engineer will prepare a start-up plan that outlines the sequencing of commissioning training, monitoring requirements, responsibilities, and schedule. Two on-site visits have been budgeted for professional

Mr. Joe Ingwersen
City of Brookings
13 April 2006
Page 6

assistance during system start-up. This includes start-up and commissioning for the biosolids processing facility.

Task 8 – Office Engineering During Construction

During construction the Engineer will provide the following office engineering services:

Subtask 8.1 Submittal Review. Review submittals that the contractor is required to provide for conformance with design concepts and for compliance with the requirements of the contract documents.

Subtask 8.2 Site Visits. Two site visits are required by the structural engineer for construction observation of the building. An additional two to four site visits are anticipated by the Engineer during construction to observe work progress and report to the Owner.

Subtask 8.3 Clarifications. Provide 100 hours of professional service to interpret the contract documents and provide clarifications concerning the intent of the design documents when requested by the Construction Manager.

Subtask 8.4 Change Orders. Provide 25 hours of professional and 25 hours of technical service to prepare technical information for inclusion in change orders prepared by the Construction Manager.

Subtask 8.5 Record Drawings. Revise the reproducible drawings for record purposes to show major changes made during construction using addendum drawings, change order drawings and as-built marked-up drawings provided by the Contractor. Furnish the Owner with one set of reproducible record drawings.

Task 9 – Construction Management Services

Construction management including onsite work will be performed by the Engineer. The subtasks below define the work necessary and the party responsible for performing the work. Weekly site visits (one to two days per week) are anticipated to perform onsite activities and office tasks on this project over the anticipated 6-month duration of construction.

Subtask 9.1 Pre-Construction Meeting. Engineer will conduct a preconstruction conference and distribute the contract administration manual. Review with all parties the procedures for administration of the contract.

Subtask 9.2 Construction Administration. The Engineer will maintain project records and documentation. The Engineer will review project master schedule and construction schedule developed by the Contractor and provide comments to Contractor regarding conformance of his schedule with requirements of the Project Manual. The Engineer will review and recommend Owner action on contractor

Mr. Joe Ingwersen
City of Brookings
13 April 2006
Page 7

progress payments. The Engineer will coordinate monthly job meetings. Provide prompt handling of documentation.

Subtask 9.3 Field Observation. The Engineer will provide field observation to confirm conformance to plans and specifications. Notify Contractor of nonconforming work.

Subtask 9.4 Substantial and Final Completion Activities. The Engineer will manage the substantial and final completion activities. Conduct the substantial completion and final completion inspections. Prepare and issue the punch list of incomplete work to Contractor upon substantial completion. Set dates of substantial completion and final completion. Schedule start-up and use of the completed facility. Obtain required manuals, guarantees, record drawings, and other documentation from the Contractor.

Client: City of Brookings

Contract/Proposal Date: April 13, 2006

Standard Conditions

January 1, 2006

CLIENT and KENNEDY/JENKS CONSULTANTS, INC. ("CONSULTANT") agree that the following provisions shall be a part of their agreement.

1. **TERMS OF PAYMENT.** CLIENT will be invoiced at the end of the first billing period following commencement of work and at the end of each billing period thereafter. Payment in full of an invoice must be received by CONSULTANT within thirty (30) days of the date of such invoice.
2. **EFFECT OF INVOICE.** The work performed shall be deemed approved and accepted by CLIENT as and when invoiced unless CLIENT objects within fifteen (15) days of invoice date by written notice specifically stating the details in which CLIENT believes such work is incomplete or defective, and the invoice amount(s) in dispute. CLIENT shall pay undisputed amounts as provided for in the preceding paragraph.
3. **INTEREST; SUSPENSION OF WORK.** Failure of CLIENT to make full payment of an invoice so that it is received by CONSULTANT within said thirty (30) days of the date thereof subjects the amount overdue to a delinquent account charge of one percent (1%) of the invoice amount per month, compounded monthly, but not to exceed the maximum rate permitted by law. Failure of CLIENT to submit full payment of an invoice within thirty (30) days of the date thereof subjects this agreement and the work herein contemplated to suspension or termination at CONSULTANT's discretion.
4. **ADVANCE PAYMENT: WITHHOLDING OF WORK PRODUCT.** CONSULTANT reserves the right to require payment in advance for work it estimates will be done during a given billing period. CONSULTANT, without any liability to CLIENT, reserves the right to withhold any services and work products herein contemplated pending payment of CLIENT's outstanding indebtedness or advance payment as required by CONSULTANT. Where work is performed on a reimbursable basis, budget may be increased by amendment to complete the scope of work. CONSULTANT is not obligated to provide services in excess of the authorized budget.
5. **STANDARD OF CARE.** CONSULTANT's services performed under this agreement will be performed in a manner consistent with the care and skill ordinarily exercised by members of the profession practicing under similar conditions at the same time and in the same or similar locality. When the findings and recommendations of CONSULTANT are based on information supplied by CLIENT and others, such findings and recommendations are correct to the best of CONSULTANT's knowledge and belief. No warranty, express or implied, is made or intended by this agreement, or by the foregoing statement of the applicable standard of care, or by providing consulting services or by furnishing oral or written reports of findings made. No entity other than CLIENT or CONSULTANT shall be construed as a beneficiary to this Agreement.
6. **INSURANCE COVERAGE.** CONSULTANT is protected by Worker's Compensation insurance as required by applicable state laws and will maintain employer's liability coverage. During the performance of this agreement CONSULTANT will maintain professional liability insurance with a limit of \$1 million on a claims made, annual aggregate basis, and commercial general liability and automobile liability insurance each with a limit of not less than \$1 million on an occurrence basis.
7. **ALLOCATION OF RISK.** CLIENT and CONSULTANT have discussed the risks associated with this project and the extent to which those risks should be shared by CLIENT and by CONSULTANT, and have agreed:
(a) To the fullest extent permitted by law, CLIENT agrees to limit the liability of CONSULTANT, its officers, employees, and subconsultants to

CLIENT, all landowners, contractors, subcontractors, lenders, suppliers, manufacturers, third parties, and their employees such that the total aggregate liability, including all attorneys fees and costs shall not exceed \$50,000.00 or the total fees paid for CONSULTANT's services on this project, whichever is greater. (b) All damages such as loss of use, profits, anticipated profits, and the like losses are consequential damages for which CONSULTANT is not liable. (c) CLIENT shall give written notice to CONSULTANT of any claim of negligent act, error or omission within one (1) year after the completion of the work performed by CONSULTANT. Failure to give notice herein required shall constitute a waiver of said claim by CLIENT.

8. **SERVICES DURING CONSTRUCTION.** Any construction inspection or testing provided by CONSULTANT is for the purpose of determining compliance by contractors with the functional provisions of project documents only. CLIENT agrees that CONSULTANT will have no inspection responsibilities at the jobsite except to the extent specifically provided for in the agreed upon scope of work. CONSULTANT shall not be held in any way to guarantee any contractor's work, nor to assume responsibility for means, methods or appliances used by any contractor nor to assume responsibility for a contractor's compliance with laws and regulations or for contractor's errors, omissions, or defective work. CLIENT agrees that in accordance with generally accepted construction practices, the construction contractor will be required to assume sole and complete responsibility for jobsite conditions during the course of construction of the project, including safety of all persons and property and that this responsibility shall be continuous and not be limited to normal working hours. CLIENT agrees to require in all construction contracts for the project, provisions that CLIENT and CONSULTANT shall be defended and indemnified by the contractor and its subcontractors and named additional insureds on contractor's and subcontractor's insurance. Any statements of estimated construction costs furnished by CONSULTANT are based on professional opinions and judgment, and CONSULTANT will not be responsible for fluctuations in construction costs.
9. **SERVICES BY CLIENT.** CLIENT will provide access to site of work, obtain all permits, provide all legal services in connection with the project, and provide environmental impact reports and energy assessments unless specifically included in the scope of work. CLIENT shall pay the costs of checking and inspection fees, zoning application fees, soils engineering fees, testing fees, surveying fees, and all other fees, permits, bond premiums, and all other charges not specifically covered by the scope of work. CLIENT shall designate to CONSULTANT the location of all subsurface utility lines and other subsurface man-made objects (in this agreement collectively called "buried utilities") within the boundaries of the jobsite. CONSULTANT will conduct at CLIENT's expense such additional research as in CONSULTANT's professional opinion is appropriate to attempt to verify the location of buried utilities at the jobsite, but CLIENT shall remain responsible for the accurate designation of their location and, shall indemnify, defend, and hold CONSULTANT harmless from any claims or loss arising from the failure to accurately locate buried utilities.
10. **COMPLIANCE WITH LAWS.** CLIENT and CONSULTANT shall each use reasonable care in its efforts to comply with laws, codes, ordinances and regulations in force at the time of the performance by each under this agreement, insofar as such laws are applicable to a party's performance. Unless otherwise provided for in the scope of work of this agreement or by law, the responsibility for making any disclosures or reports to any third party, for notifying all governmental authorities of the discovery of hazardous materials on the jobsite, and for taking corrective, remedial, or mitigative action shall be solely that of CLIENT. It is CONSULTANT's belief that the work is not subject to California Prevailing Wage Law, unless expressly identified as such within the scope of work. Should it be alleged or determined that some or all of the work is subject to California's Prevailing Wage Law, then CLIENT shall reimburse CONSULTANT for the additional costs associated with CONSULTANT complying with those laws.

Standard Conditions (Page 2)

January 1, 2006

11. **USE OF DOCUMENTS.** Drawings, reports, writings and other original documents (documents) furnished by CONSULTANT are for the exclusive use of CLIENT and CONSULTANT retains all intellectual property rights including copyrights. Documents are furnished to CLIENT upon CLIENT's specific agreement that it assumes all liability resulting from the further distribution of such documents, or any portion of them, and that CLIENT will indemnify CONSULTANT and hold it harmless against any claims associated with the unauthorized use of such documents. In no event will CLIENT or any person acting on its behalf edit, abridge, or modify any document prepared by CONSULTANT without CONSULTANT's express written consent.
12. **ELECTRONIC OR MAGNETIC DATA.** Documents provided by CONSULTANT in electronic or magnetic formats are provided under the following conditions unless detailed otherwise in the scope of work or by a written amendment. Documents are provided in CONSULTANT's standard software formats. CLIENT recognizes that electronic or magnetic data and its transmission can be easily damaged, may not be compatible with CLIENT'S software formats and systems, may develop inaccuracies during conversion or use, and may contain viruses or other destructive programs, and that software and hardware operating systems may become obsolete. As a condition of delivery of electronic or magnetic data, CLIENT agrees to defend indemnify and hold CONSULTANT, its subconsultants, agents and employees harmless from and against all claims, loss, damages, expense and liability arising from or connected with its use, reuse, misuse, modification or misinterpretation. In no event shall CONSULTANT be liable for any loss of use, profit or any other damage.
13. **TERMINATION.** This agreement may be terminated by either party by written notice should the other party fail substantially to perform its obligations under this agreement and continue such default after the expiration of a seven (7) day notice period. Either party may terminate this agreement without necessity of cause upon the expiration of a thirty (30) day notice period. If this agreement is terminated by CLIENT in the absence of default by CONSULTANT, CONSULTANT shall be paid for services performed and costs incurred by it prior to its receipt of notice of termination from CLIENT, including reimbursement for direct expenses due, plus an additional amount, not to exceed ten percent (10%) of charges incurred to the termination notice date, to cover services to orderly close the work and prepare project files and documentation, plus any additional direct expenses incurred by CONSULTANT including but not limited to cancellation fees or charges. CONSULTANT will use reasonable efforts to minimize such additional charges.
14. **PRECEDENCE OF CONDITIONS.** Should any conflict exist between the terms herein and the terms of any purchase order or confirmation issued by CLIENT, the terms of these Standard Conditions shall prevail in the absence of CONSULTANT's express written agreement to the contrary.
15. **ASSIGNMENT: SUBCONTRACTING.** Neither CLIENT nor CONSULTANT shall assign any of its rights including a right to sue, or delegate its duties under this agreement without the written consent of the other.
16. **FORCE MAJEURE.** Any delay or default in the performance of any obligation of CONSULTANT under this agreement resulting from any cause(s) beyond CONSULTANT's reasonable control shall not be deemed a breach of this agreement. The occurrence of any such event shall suspend the obligations of CONSULTANT as long as performance is delayed or prevented thereby, and the fees due hereunder shall be equitably adjusted.
17. **MERGER: WAIVER: SURVIVAL.** This agreement constitutes the entire and integrated agreement between the parties hereto and supersedes all prior negotiations, representations and/or agreements, written or oral. One or more waiver of any term, condition or other provision of this agreement by either party shall not be construed as a waiver of a subsequent breach of the same or any other provision. Any provision hereof which is legally deemed void or unenforceable shall not void this entire agreement and all other provisions shall survive and be enforceable.
18. **APPLICABLE LAW.** This agreement shall be interpreted and enforced according to the laws of the State of California. In the case of invalidity or unenforceability of any provision or portion thereof, the provision shall be rewritten and enforced to the maximum extent permitted by law to accomplish as near as possible the intent of the original provision. Nothing herein shall be construed to provide for indemnification against damages arising from a party's gross negligence or willful misconduct.

Client: City of Brookings
Proposal Submittal Date: April 14, 2006

Schedule of Charges

Personnel Compensation

Classification

Aide	\$50
Administrative Assistant	\$55
Project Administrator	\$60
CAD Technician	\$95
Designer	\$98
Engineer / Scientist 1	\$100
Engineer / Scientist 2	\$105
Engineer / Scientist 3	\$110
Engineer / Scientist 4	\$115
Engineer / Scientist 5	\$120
Engineer / Scientist 6	\$125
Engineer / Scientist 7	\$135
Engineer / Scientist 8+	\$150

Direct Expenses

Reimbursement for direct expenses, as listed below, incurred in connection with the work, will be at cost plus ten percent for items such as:

- Maps, photographs, reproductions, printing, equipment rental, and special supplies related to the work.
- Consultants, soils engineers, surveyors, contractors, and other outside services.
- Rented vehicles, local public transportation and taxis, travel and subsistence.
- Specific telecommunications and delivery charges.
- Special fees, insurance, permits, and licenses applicable to the work.
- Outside computer processing, computation, and proprietary programs purchased for the work.

Reimbursement for owned automobiles, except trucks and four-wheel drive vehicles, used in connection with the work will be at the rate of forty-eight cents per mile.

Rates for professional staff for legal proceedings or as expert witnesses will be at rates one and one-half times the Hourly Rates specified above.

Excise and gross receipts taxes, if any, will be added as a direct expense.

The foregoing Schedule of Charges is incorporated into the agreement for the services provided. The Hourly Rates are valid through December, 2006. An escalation factor will be applied each year thereafter.

Fee Estimate

Kennedy/Jenks Consultants

Job Name: Brookings WWTP FKX Screwpress Biosolids Project
 Job Description: Design Services
 Proposal Number: P08054

2008 Rates	Principal Spec 8 \$150	Proj Manag Spec 7 \$135	Mech Eng Spec 6 \$125	Struct Eng Spec 6 \$125	Elect Eng Spec 6 \$125	Designer- Sr Tech \$98	CAD Tech \$95	Project Admin \$60	Total Hours	Total Labor Costs	KU Direct Costs	Sub- contractor Costs	Total Cost
Classification:													
Hourly Rate:													
Task 1 - Project Management													
Subtask 1.1 Work Plan	4	16							8	\$3,240			\$3,240
Subtask 1.2 Invoicing and Communications	4	96	0	0	0	0	0	88	160	\$15,600	\$200		\$15,800
Task 2 - Draft Plans and Specifications													
Subtask 2.1 Prepare Plans and Specifications	4	24	292	194	234	41	626	168	188	\$18,840	\$200	\$0	\$19,040
Subtask 2.2 60 and 90 Percent Cost Estimates		4	24	4	4	8							
Task 3 - Review Meetings													
Subtask 3.1 Review Meetings	0	28	316	193	238	49	626	168	1583	\$167,408	\$500		\$167,908
Subtask 3.2 Review Meetings	0	16							44	\$5,324			\$5,324
Task 4 - Quality Confirmation													
Subtask 4.1 Structural Peer Review	0	16	0	0	0	0	0	2	1627	\$172,732	\$500	\$0	\$173,232
Subtask 4.2 Electrical Peer Review	0	16							18	\$2,280	\$500		\$2,780
Subtask 4.3 Coordination Cross-Check	0	16							18	\$2,280	\$500	\$0	\$2,780
Task 5 - Final Plans and Specifications													
Subtask 5.1 Prepare Final Plans and Specifications	48	2		16	16				18	\$2,270			\$2,270
Subtask 5.2 Final Cost Estimate	48	2		16	16	0	0	0	18	\$2,270			\$2,270
Subtask 5.3 Advertisement	2	8	16	16	16	16	16	16	50	\$7,470	\$0		\$7,470
Subtask 5.4 Permits	2	4	10	2	2	2	16	2	86	\$12,010	\$0		\$12,010
Subtask 5.5 Permits	2	4	8	2	2	2	16	2	106	\$11,428	\$1,000		\$12,428
Task 6 - Bid Services													
Subtask 6.1 Pre-bid Meeting	4	22	42	18	18	30	16	18	28	\$3,522	\$2,000		\$3,522
Subtask 6.2 Bid Period and Award									16	\$1,856	\$2,000		\$3,856
Task 7 - O&M Manual and Startup													
Subtask 7.1 O&M Manual	0	8	4	8	8	40	6	8	18	\$2,054	\$5,000	\$0	\$7,054
Subtask 7.2 Start-up and Commissioning	32	24	16	16	16	40	16	10	168	\$18,860	\$8,000	\$0	\$26,860
Task 8 - Office Construction Engineering													
Subtask 8.1 Submittal Review	52	0	40	0	4	48	4	8	14	\$1,700	\$250		\$1,950
Subtask 8.2 Site Visit	20	12	40	8	8	40	6	8	122	\$13,580			\$13,580
Subtask 8.3 Clarifications		20	44	8	8	40	6	10	136	\$15,280	\$250	\$0	\$15,530
Subtask 8.4 Change Orders									100	\$11,796	\$250		\$12,046
Subtask 8.5 Record Drawings									56	\$7,068			\$7,068
Task 9 - Construction Management													
Subtask 9.1 Preconstruction Meeting	0	28	134	74	68	62	32	84	156	\$18,864	\$250	\$0	\$19,114
Subtask 9.2 Construction Administration									232	\$25,360	\$500		\$25,860
Subtask 9.3 Field Observation		12	8	16	16	40		40	48	\$6,160	\$1,500		\$7,660
Subtask 9.4 Substantial and Final Completion		24	80	16	16	16		40	132	\$13,508			\$13,508
Task 9 - Subtotal	0	76	192	16	16	216	0	8	28	\$3,282	\$3,876		\$3,282
All Tasks Total	112	292	768	330	366	445	684	386	2087	\$370,970	\$18,900	\$0	\$389,870

Mar 06 Brookings biosolids fee estimate ver 2 mw.xls

Ronald R. Walz, P.E.

Senior Engineer

Education

M.S., Environmental Engineering, Georgia Institute of Technology, 1989
B.S., Engineering Science, Pennsylvania State University, 1986

Registrations

Professional Engineer, No. 64471, Oregon, 2001

Professional Summary

Ron Walz is a senior engineer in Kennedy/Jenks Consultants' Eugene office. He has 16 years of experience in wastewater planning and design, with responsibilities ranging from project engineer to project manager. Ron's primary responsibilities include wastewater treatment plant (WWTP) hydraulics, process review, and detailed design of wastewater treatment systems.

- Myrtle Creek and Tri City Sanitary District WWTP Upgrade, City of Myrtle Creek, Oregon – Responsible for managing the design and construction of a new facility at the existing plant site. The project included a new influent pumping station, headworks, oxidation ditch, secondary clarifiers, ultraviolet (UV) disinfection, aerobic digestions, Class A sludge drying of biosolids and new river outfall and diffuser. When completed the facility should produce some of the highest quality effluent in the State and a Class A biosolids suitable for most applications. In addition, Ron provided regulatory assistance on a number of topics including NPDES, mass load increase, COE/ODSL Joint Permits and developing required plans such as a Temperature Management Plan and Biosolids Management Plan.
- Elk River Wastewater Treatment Plant Trickling Filter Odor Control, City of Eureka, California – Responsible for managing the preliminary design, design, and construction of odor control facilities for the trickling filters at the Elk River facility. The existing trickling filters were sealed with aluminum geodesic domes and large fiberglass ductwork to collect foul air. The foul air is conveyed to an upgraded biological and carbon odor control system.
- Spring Street WWTP Reliability Improvements, City of Klamath Falls, Oregon – Responsible for managing predesign and design of this plant expansion, which includes fine screening, conversion of the existing aeration basins to biological nutrient removal, a new 110-foot secondary clarifier, effluent disinfection and dechlorination, temperature control and sludge thickening. A new control building using geothermal heating system was constructed.
- WWTP Improvements, City of Brookings, Oregon – Responsible for managing predesign and design of this plant expansion, which includes a headworks, primary clarifiers, trickling filter improvements, aeration tanks, secondary clarifiers, UV disinfection, sludge thickening and storage. Laboratory improvements and a new operations building were also constructed.

- WWTP Expansion and Improvements, City of Woodburn, Oregon – Responsible for managing predesign and design of this plant expansion, which includes a new headworks, aeration tanks, secondary clarifiers, effluent filter, UV disinfection, effluent aeration, sludge thickening, facultative sludge lagoons, pretreatment laboratory and maintenance building. Modifications to existing facilities include primary clarifiers, sludge digestion, sludge drying beds, and septage receiving.
- Design Services and Office Engineering Services During Construction, Forest Grove Facility, Clean Water Services, Washington County, Oregon – Responsible for aeration basin improvements, including conversion from surface aeration complete mix to fine bubble plug flow; disinfection alternatives study; design of UV disinfection process based on client preference; effluent pump station design; and overall project management, including oversight of secondary clarifier modifications design. An element of the secondary clarifier design was the expansion of existing tanks to increase both depth and diameter. This project involved working within a compact construction site. Upon completion, plant capacity increased from approximately 8 million gallons per day (mgd) to 20 mgd.
- Hydraulics Analysis for the Columbia Boulevard WWTP Facility Plan, City of Portland, Oregon – Author of Treatment Criteria technical memorandum, part of the Facility Plan.
- Design Services and Office Engineering Services During Construction, Westerly Wastewater Treatment Center, City of Cleveland, Ohio – Designed a new 70-mgd secondary biological treatment facility and an upgrade of existing facilities on a confined complex site. Responsible for development of plant hydraulics, mechanical design of trickling filter/solids contact process and secondary clarifiers, and analysis of sludge metals. Served as assistant project manager with seven subconsultants on the expansion project. Coordinated five subconsultants to design new rail-car chemical delivery facilities, chemical disinfection facilities, and incinerator rehabilitation. Directed office engineering support during construction.
- Design Services, Camp Creek Water Pollution Control Plant Expansion and Upgrade, City of Camp Creek, Georgia – Responsible for subconsultant coordination and review, plant hydraulics, process overview, and mechanical design of the activated sludge system. Designed advanced treatment systems, such as biological phosphorus removal and UV disinfection for the expansion. Promoted to assistant project manager at the 40 percent completion milestone. Involved in most plant facilities in a decision-making role. Negotiated a biological phosphorus removal licensing agreement with unprecedented county-wide incorporation. The expansion increased plant capacity from 13 mgd to 24 mgd.
- Design of Secondary Treatment Pilot Plant Project, R.M. Clayton Water Reclamation Center, City of Atlanta, Georgia – Responsible for the design and procurement of the aeration basins, mechanical clarifier, and associated pumps, piping, and valves. Plant capacity is 16 gallons per minute. This client developed an innovative process called volatile fatty acid induced phosphorous removal. Brown and Caldwell designed and purchased a pilot plant, which confirmed the client's bench scale studies.

- Review, Analysis, and Design of the Gwinnett County Crooked Creek Wastewater Treatment Plant, Gwinnett County, Georgia – Evaluated process design and developed plant hydraulics. Designed primary effluent and return activated sludge flow splitting and mixing structure, oxidation ditch influent/effluent system, and post-aeration facility. The expansion increased plant capacity from 8 mgd to 16mgd.
- Design Services, President Street WWTP Expansion, City of Savannah, Georgia – Evaluated process design and developed plant hydraulics. Designed the cascade aerator and modeled the activated sludge process. When completed, plant capacity increased from 20 mgd to 27 mgd.
- Design and Modeling Services, South Cobb WWTP Expansion, Cobb County, Georgia – Evaluated process design and developed plant hydraulics. Modeled the activated sludge process and evaluated oxygen versus air activated sludge system. When completed, capacity increased from 24 mgd to 36 mgd.

W. Montague Hazlehurst, P.E.

Senior Engineer

Education

M.S., Hydrology, University of Arizona, 1988
B.S., Civil Engineering, University of Arizona, 1987
B.S., Forest Management, Northern Arizona University, 1982

Registrations

Professional Engineer No. 16627, Oregon, 1993
Professional Engineer No. 36577, Arizona, 2001

Professional Summary

Monty Hazlehurst has 15 years of professional experience including studies related to and the design of water and wastewater treatment plants, wastewater collection systems, water distribution systems, pumping stations, sludge handling facilities, stormwater management systems, and solid waste facilities.

- Bisbee Wastewater Improvements Project, City of Bisbee, Arizona -- Responsibilities included developing plans and specifications for the headworks, aeration basins and blowers, secondary clarifiers, UV disinfection system, paving and grading, and outside piping. Developed the hydraulic profile for the project.
- City of Reedsport, Gardiner Water Transmission Lines Replacement Project, City of Reedsport, Oregon -- Developed plans and specifications for approximately 5 miles of 14-inch and 18-inch-diameter water transmission line including 2,000 feet of river undercrossing by directional drilling. The project also included design of a water booster pumping station.
- Elk River Wastewater Treatment Plant Trickling Filter Odor Control, City of Eureka, California -- Developed plans and specifications for covering two existing trickling filters with aluminum geodesic domes and routing the foul air to an odor control tower. Performed office engineering during construction.
- South Plant Installation of High Solids Dewatering Centrifuges, King County Department of Natural Resources and Parks Wastewater Division, City of Seattle, Washington -- Responsibilities included developing plans and specifications for the centrifuge building plumbing and fire sprinkler systems, paving and grading and outside piping, and coordination of mechanical specifications.
- Budd Inlet Treatment Plant Digester Gas Compressor and Piping Replacement, LOTT Wastewater Alliance, City of Olympia, Washington -- Developed plans and specifications for replacing five rotary sliding vane gas compressors and all digester gas piping for four existing digesters.
- Wastewater Treatment Plant Improvements, City of Myrtle Creek, Oregon -- Developed plans and specifications for civil portion of project including paving and grading and outside piping.

- Tolleson Wastewater Treatment Plant Effluent Quality Upgrade, City of Tolleson, Arizona – Responsibilities included developing plans and specifications for a trickling filter upgrade, new aeration basins and blowers, a sodium bisulfite dechlorination facility, and paving and grading and outside piping.
- Neely Wastewater Reclamation Facility, City of Gilbert, Arizona – Developed the hydraulic profile for the facility using the PROFILE computer model and developed civil drawings and specifications including paving and grading, and outside piping.
- Randolph Park Water Reclamation Facility, City of Tucson, Arizona – Developed the hydraulic profile for the facility and an off-site pretreatment facility using the PROFILE computer model.
- Biogas Energy Project, Portland General Electric, City of Portland, Oregon – Developed a predesign report addressing the feasibility of digesting cow manure from a 15,000-cow dairy and producing electrical energy.
- Triangle Lake Solids Lagoon Reconstruction Project, Columbia Boulevard Wastewater Treatment Plant, Bureau of Environmental Services, City of Portland, Oregon – Responsibilities included reconstructing 30 acres of existing solids lagoons by separating the lagoon into four cells and a monofill for landfilling the dewatered sludge, lining the cells with high density polyethylene liner, designing a supernatant drawoff and pumping system and providing dredge anchor blocks.
- Spring Street Wastewater Treatment Plant Reliability Improvements, City of Klamath Falls, Oregon – Responsibilities included the design of a 3.5-mgd effluent pumping station to pump treated effluent to a power plant for use as cooling water, design of a dissolved air flotation thickener, and site paving and grading and outside piping. Performed office engineering during construction.
- Cooling Water Pipelines, City of Klamath Falls, Oregon – Project included the design of 5 miles each of 24-inch-diameter cooling water pipeline and 12-inch-diameter blow down pipeline between the Spring Street Wastewater Treatment Plant and a power plant. Design included a flow control tank located at the high point in the pipeline. Performed office engineering during construction.
- Wastewater Treatment Plant Improvements, City of Brookings, Oregon – Responsibilities included the design of the solids handling facility including a 45-foot-diameter anaerobic digester and a 2-million-gallon sludge storage tank. Also designed paving and grading, and yard piping for the new facility.
- 4.5-MG Reservoir and Waterline Project, City of Grants Pass, Oregon – Responsibilities included the design of a 4.4-mgd water booster pumping station to serve the Allen Creek area of Grants Pass and the design of an altitude valve vault and chlorination facilities associated with the 4.5-MG reservoir. Performed a water distribution system hydraulic analysis of the Allen Creek area using the CYBERNET computer model.
- Forest Grove-Rock Creek Pipelines, Clean Water Services, Washington County, Oregon – Performed quality assurance/quality control for the design of 8 miles each of 24-inch-diameter reclaimed water and raw sewage pipelines in a common trench,

including air release/vacuum relief vaults, and jacking and boring under highways and railroads.

- Wastewater Treatment Plant Improvements, City of Cave Junction, Oregon – Designed influent sewer, grading, paving, outside piping, aerobic digestion, facultative sludge lagoon, and outfall.
- Columbia Boulevard Wastewater Treatment Plant Wet Weather Treatment Facilities, Bureau of Environmental Services, City of Portland, Oregon – Developed plans and specifications for civil/site work including grading, paving, and outside piping. Assisted with evaluation of primary clarifier alternatives.
- Wastewater Treatment Plant Expansion and Upgrade, City of Woodburn, Oregon – Developed predesign report including design data, hydraulic profile, chemical feed, plant water system, and emergency storage ponds. Designed civil/site work including grading, paving, outside piping, stormwater collection, and pumping stations.
- Design of Facilities Improvements, Forest Grove and Hillsboro Wastewater Treatment Plants, Clean Water Services, Washington County, Oregon – Responsibilities included preparation of plans and specifications for a return activated sludge pumping station, effluent pumping station, tank drain pumping station, paving and grading, and odor control.
- Design of Wastewater Treatment Facility Improvement, Fircrest (Foster) Farms, City of Creswell, Oregon – Responsibilities included preparation of plans and specifications for a 400,000-gpd, sequencing batch reactor facility for treating chicken processing plant wastewater.
- Operation and Maintenance Manuals, Kellogg Creek Water Pollution Control Plant, Clackamas County, Oregon – Developed operation and maintenance manuals for secondary clarifiers, an ultraviolet light disinfection system, sodium hypochlorite disinfection system, and the odor control facilities.
- Outfall Design, Forest Grove and Hillsboro Wastewater Treatment Plants, Clean Water Services, Washington County, Oregon – Responsibilities included preparation of plans and specifications and cost estimates for the outfall design.
- Design of Wastewater Treatment Plant Outfall and Diffuser, City of Albany, Oregon – Responsibilities included preparation of plans and specifications for a 54-inch-diameter outfall to the Willamette River.
- Design of Improvements, Bainbridge Island Wastewater Treatment Plant, City of Bainbridge Island, Washington – Responsibilities included preparation of plans and specifications for headworks, new secondary clarifier, chlorine disinfection system, and sludge pumping stations.
- Odor Control Study and Design, Kellogg Creek Water Pollution Control Plant, Clackamas County, Oregon – Responsibilities included development of alternatives, economic analysis, and preparation of plans and specifications for headworks, odor control facilities, a primary effluent recirculation system, and an activated carbon adsorption system.

- Design of Improvements, Grand Island Wastewater Pretreatment Facility, Ore-Ida Foods, Inc., City of Grand Island, Nebraska – Project involved improvements to influent pumping station, two primary clarifiers, primary sludge pumping station, and effluent monitoring structure. Responsibilities included preparation of plans and specifications, and office engineering during construction.
- Design of Improvements, Bandon Wastewater Treatment Plant, City of Bandon, Oregon – Project included improvements to an influent pumping station, secondary clarifiers, return activated sludge pumping station, ultraviolet disinfection system, sludge handling facility, and administration building. The pumping station modification involved installation of vertical turbine solids handling (VTSH) pumps. Prepared plans and specifications, and provided office engineering during construction.
- Primary Clarifier Rehabilitation, Spring Street Wastewater Treatment Plant, City of Klamath Falls, Oregon – Responsibilities included preparation of plans and specifications for the replacement of sludge collectors and effluent weirs.
- Design of Anaerobic Digester Facility, 23rd Avenue Wastewater Treatment Plant Expansion Project, City of Phoenix, Arizona – Responsibilities included preparation of plans and specifications.
- Design of Improvements, Avondale Wastewater Treatment Plant, City of Avondale, Arizona – Project encompassed design of a chlorine contact channel; chlorination² system; aeration system for the mixed liquor channel; and an odor control system for the plant site, including an odor reduction tower. Other elements included design of a stormwater pumping station and detention basin; approximately 2 miles of interceptor sewer, including 4,300 linear feet of force main and an 8.5-mgd interceptor pumping station with vertical turbine solids handling (VTSH) pumps; ferrous chloride feed station; an 8.75-mgd effluent pumping station; approximately 2 miles of 48-inch-diameter outfall, and paving and grading. Prepared plans and specifications, an economic analysis of alternatives, and a cost estimate.
- Design of 5-Acre Percolation Pond and Surface Aeration System, Avondale Wastewater Treatment Plant, City of Avondale, Arizona – Responsibilities included preparation of plans and specifications and a cost estimate.
- Design of Secondary Clarifiers, Airport Road Wastewater Treatment Plant, City of Santa Fe, New Mexico – Responsibilities included a chain and flight system, return activated sludge pump system, and economic analysis.
- Mechanical and Electrical Design Modification and Replacement, Airport Road Wastewater Treatment Plant, City of Santa Fe, New Mexico – Responsibilities included preparation of plans and specifications.
- Development and Economic Analysis of Alternatives, Mormon Lake Wastewater Treatment Facility, City of Mormon Lake, Arizona .
- Equipment Submittal Review Through Construction, Kachina Village Improvement District, Arizona – *Project Engineer*. Responsibilities included preparation of a

contingency plan in the event of evaporation pond leakage to surrounding monitoring wells.

- Electrical Cost Estimate, San Luis Obispo Wastewater Treatment Plant, City of San Luis Obispo, California.
- Electrical Design of Control Center, Orange County Sanitation District, City of Los Angeles, California – Responsibilities included preparation of plans and specifications.
- Civil Design of Siphon Structure and Pumping Station, 99th Avenue Interceptor, City of Tolleson, Arizona – Responsibilities included paving and grading, preparation of plans and specifications, and submittal review during construction.
- Sanitary Sewer Route Study, Cave Creek Road, City of Phoenix, Arizona – Responsibilities included design of 4 miles of 33-inch- diameter sewer and preparation of plans and specifications.
- Sewer Cost Estimates and Feasibility Study, Meridian Group Development, City of Avondale, Arizona – System contained 2.5 miles of 18-inch-diameter sewer pipe.
- North Albany Water Facility Plan, City of Albany, Oregon – Performed a water distribution system hydraulic analysis using the CYBERNET computer model. Developed alternatives. Prepared cost estimated and final report.
- Evaluation of Douglas Gardens Water Distribution System, Willamette Water Company, City of Springfield, Oregon – Prepared water system evaluation report.
- Water Distribution System Facility Plan, City of Corvallis, Oregon – Performed hydraulic analysis using the CYBERNET computer model. Prepared cost estimate and final report.
- Water System Improvements, City of Cottage Grove, Oregon – Contributed to the design of a 2-mgd water treatment plant including a raw water intake, raw water pumping station, chemical feed systems, backwash pumping station, and backwash holding ponds. Prepared plans and specifications, and project cost estimate. Provided office engineering during construction.
- Preparation of New Solids Handling Facility Preliminary Design Report, Squaw Peak Water Treatment Plant, City of Phoenix, Arizona.
- Study of Transmission Pipeline Alignment Alternatives, San Diego Clean Water Program, City of San Diego, California – The study focused on a 42-inch reclaimed water transmission pipeline.
- Design of 55-mgd Direct Filtration Water Reclamation Plant, 23rd Avenue Water Reclamation Plant, City of Phoenix, Arizona – Responsibilities included development of plans and specifications.
- Hydraulic Analysis of Water Distribution System, Forest Lakes Improvement District, City of Forest Lakes, Arizona – Project included modification of existing booster pumping stations, a well, and the chlorination facilities. Prepared plans and specifications. Utilized the Kentucky Pipes computer model to conduct the analysis.

W. Montague Hazlehurst, P.E.

Page 6

- Plant Start-Up After Construction and Equipment Inspection and Testing, Quail Creek Water Treatment Plant, City of St. George, Utah.
- Miscellaneous Plant Improvements, Southside Water Reclamation Plant, City of Albuquerque, New Mexico – Responsibilities included a study and report on problems associated with the HVAC systems, grit removal facilities, electrical manhole flooding, and a mechanical bar screen.
- Hydraulic Analyses of Water Distribution Systems, City of Youngtown, Arizona, and Kachina Village Improvement District, Arizona – Utilized the Kentucky Pipes Computer Model to conduct the analyses.
- Design of Force Main for Pumping Station and Reclaimed Water Distribution System, City of Mesa, Arizona – Responsibilities included design of approximately 5 miles each of 24- and 42-inch-diameter force main. Prepared plans and specifications and provided economic analysis.
- Design of Water Main and Pumping Station for Reclaimed Water Distribution System, City of Mesa, Arizona – Designed 6 miles of 16-, 24-, and 42-inch pipeline, as well as a 3.0-mgd (ultimately 16-mgd) reclaimed water pumping station.
- Stormwater Management System Design, Avondale Wastewater Treatment Plant, City of Avondale, Arizona – Designed a pumping station and detention basins.
- Stormwater Management System Design, Pino Yard Solid Waste Transfer Facility, City of Albuquerque, New Mexico – Design work included a pumping station and detention basin; paving and grading and other civil design; and electrical. Provided utility coordination, preparation of plans and specifications, and cost estimates.
- Runoff Study, Cerro Colorado Landfill Site, City of Albuquerque, New Mexico.
- Study of Alignment Alternatives for Sludge Transmission Lines, San Diego Clean Water Program, City of San Diego, California – Responsibilities included preparation of plans and a report.
- Sludge Management Plans, Various Southwest Municipalities – Clients included:
 - Avondale Wastewater Treatment Plant, City of Avondale, Arizona
 - Airport Road Wastewater Treatment Plant, City of Santa Fe, New Mexico
- Solids Handling and Digester Gas Study, Tolleson Wastewater Treatment Plant, City of Tolleson, Arizona.
- Design of Airport Road Wastewater Treatment Plant Sludge Handling Facilities, City of Santa Fe, New Mexico – Responsibilities included mechanical equipment layout, blower selection, and piping layout for the digester gas circulation system; a cost estimate; and preparation of plans and specifications.
- Design of Don Reservoir Solid Waste Convenience Center, City of Albuquerque, New Mexico – Responsibilities included preparation of plans and specifications and cost estimates.

**CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
April 24, 2006 7:00 p.m.**

Beginning at 6:00 pm, before the regularly scheduled Common Council meeting, the Council met for a work/study session to discuss the water system status and projects.

I. Call to Order

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

II. Pledge of Allegiance

Led by Curry Good Sam and Elks Lodge members

III. Roll Call

Council Present: Mayor Pat Sherman, Council President Larry Anderson, Councilors Jan Willms, and Craig Mickelson, a quorum present.

Council Absent: Dave Gordon and Ex Officio Councilor Susan Stadelman

Staff Present:

City Manager Dale Shaddox,
City Attorney John Trew,
City Planner John Bischoff,
Deputy City Planner, Dianne Snow,
Public Works Director, Don Wilcox
and Administrative Assistant Donna Colby-Hanks

Media Present: Curry Coastal Pilot Reporter Peter Rice

Other:

Approximately 40 other citizens

IV. Ceremonies/Appointments/Announcements

A. Ceremonies

1. Proclamation – Curry Good Samaritan Volunteers

Mayor Sherman presented the Curry Good Samaritan Volunteer Proclamation to Kevin Moerke, President Good Sam Advisory Board. He thanked the city for recognizing the volunteers.

2. Proclamation – Elks Youth Week

Mayor Pat Sherman presented the Elks Lodge Youth Week Proclamation to Bob Gardner on behalf of the Elks. Gardner explained the Elks contributions to youth scholarships and expenses related to police dogs.

V. Public Hearing

A. *In the matter of File No. LDC-1-06, an amendment to Section 80 – Site Plan Approval, of the Land Development Code; City initiated. The criteria used to decide this case is found in Section 144 of the Land Development Code.*

1. *Ordinance No. 06-O-446.VV, in the matter of an Ordinance amending Ordinance 89-O-446, an Ordinance creating the Land Development Code to amend Section 80, Site Plan Committee in its entirety.*

Mayor Sherman opened the hearing at 7:10 pm and reviewed File No. LDC-1-06.

Deputy City Planner Dianne Snow reviewed the staff report. Planning Commissioner Ron Hedenskog and the Council discussed items that could be bonded. City Manager, Dale Shaddox clarified which reports that could be requested to be peer reviewed.

Larry Aslinger, 439 Buena Vista Loop, Harbor, felt that there should be a five year warranty on all roads.

Councilor Anderson stated these changes would minimize the risk for the city. It was determined to change section 80.080b(1) to read final asphalt paving. Mayor Sherman closed the public hearing at 7:35 pm.

Councilor Mickelson moved, a second followed, and the Council voted unanimously to have the first reading of Ordinance No. 06-O-0446VV by the title only.

City Attorney, John Trew read Ordinance No. 06-O-446 by title only.

Councilor Mickelson moved, a second followed, and the Council voted unanimously to have the second reading of Ordinance No. 06-O-0446VV by title only.

City Attorney, John Trew read Ordinance No. 06-O-446VV by title only.

Councilor Mickelson moved, a second followed, and the Council voted unanimously to adopt Ordinance No. 06-O-0446VV, with the addition of asphalt between final and paving in Section 80.080 B(1), an Ordinance of the City of Brookings, Oregon, amending Ordinance No. 06-O-446, an Ordinance creating the Land Development Code to amend Section 80, site Plan Committee in its entirety.

- B. *In the matter of File No. ANX-1-06, a request to annex 31.94 acres of land consisting of 7 tax lots; Assessor's Map 40-13-32B, Tax lots 1001, 1201, 1202, and 1300 and 40-13-32C, Tax Lots 211, 213, and 216; located on Old County Road; currently zoned Residential 2 by Curry County; Garry Cooper for K&D Properties and Ron Hedenskog, applicants. Criteria used to decide this application can be found in Section 148-Annexations, of the Land Development Code.*

Mayor Sherman opened the hearing at 7:40 pm and reviewed the application. Councilor Anderson stated he had driven by the site. No other exparte contact or personal bias' were disclosed. There were no challenges from the audience. Mayor Sherman reviewed the hearing procedure. City Planner, John Bischoff, reviewed the staff report with the aide of transparencies. Mayor Sherman questioned the road standards and procedures.

Agent for the applicant, Jim Capp, Western Land Use Services, P.O. 2937, Harbor felt there was no proposed drainage toward Old County Road and described possible locations of sewer and water lines. Capp discussed the width of Old County Road and what would be required to bring it up to city/county standards. The Council discussed the portion of the road to be annexed.

There were no Planning Commissioner comments or citizens in support.

Opposition:

Marti Turner, P.O. Box 7705, Brookings, submitted a letter and spoke in opposition on the annexation. Her concerns were the dust, litter, safety and condition of the road.

Larry Aslinger, 439 Buena Vista Loop, Harbor, was not in opposition, but did question the issue of water run-off onto Ransom and Pioneer Roads.

Applicant Jim Capp reiterated the traffic generated from development under the city and county jurisdiction would be the same. Capp advised the property had been within the UGB since 1981 and slated for urban development. Water drained into Ransom Creek not down Ransom or Pioneer Roads.

Gary Cooper, K & D Properties, applicant, wanted to phase in the improvements to Old County Road.

City Planning, John Bischoff advised that there was a Constitution Way/Hwy 101 Improvement Study underway. The TSP would need to be amended to show that study.

The Council and staff discussed the location of the airport clear zone. There was no request to leave record open for seven days. The applicant requested the Council deliberate to a decision.

Councilor Willms asked about the signatures of all property owners being on the application. This issue was clarified by applicant, Gary Cooper. Mayor Sherman closed the public hearing at 8:37 pm.

Councilor Anderson moved, a second followed, and the Council voted unanimously to direct staff to prepare a final order with findings and an ordinance to approve ANX-1-06, a request to annex 31.94 acres of land consisting of 7 tax lots.

VI. Oral Requests and Communications from the Audience

A. Committee and Liaison reports

1. Chamber of Commerce

None

2. Council Liaisons

Mayor Sherman attended the Shriners Donkey Basketball game between Brookings Police Department and the Curry County Sheriff's Department.

Councilor Anderson attended 7 city meetings and 3 school meetings.

Councilor Willms organized and attended the city wide clean-up day, Litter-Be-Gone, along with 48 other volunteers picking up litter around the city.

B. Unscheduled

None

VII. Regular Agenda

A. Acknowledge receipt of the Parking Study Recommendations (Planning)

City Manager, Dale Shaddox reviewed the staff report and acknowledged receipt of the Parking Study Recommendations.

Councilor Anderson moved, a second followed, and the Council voted unanimously to acknowledge receipt of the Parking Study Recommendations.

VIII. Consent Calendar

A. Approval of Council Meeting Minutes

1. Meeting of April 10, 2006

B. Reject of all bids for Westside Sewer Interceptor

C. Acceptance of letter of resignation from Planning Commissioner Rick Dentino and direct staff to advertise vacancy

- D. *Approve City Council / Planning Commission Joint Work Session for Tuesday, May 2, 2006 from 6:00 to 7:00 pm to discuss evaluation of the Citizen Involvement Program and conduct of public meetings*
- E. *Approve City Council / Planning Commission Joint Work Session for Tuesday, May 16, 2006 from 6:00 to 7:00 pm to discuss visioning of the North Bank Chetco Urban Growth Area*

End Consent Calendar

Mayor Sherman reviewed the consent calendar.

Councilor Willms 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 Willms commended staff on the work done on Section 80.
- B. *Mayor*
None.

X. Adjournment

Councilor Mickelson moved and the Council voted unanimously by voice vote to adjourn at 8:56 pm.

Respectfully submitted:

Pat Sherman
Mayor

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

Paul Hughes
Finance Director/City Recorder

MINUTES
BROOKINGS PLANNING COMMISSION
March 22, 2006

The regular meeting of the Brookings Planning Commission was called to order by Chair Nishioka at 7:29 but due to technical difficulties began at 7:39 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
	Richard Yock

Staff Present:

Planning Director Bischoff, Deputy City Planner Snow, Don Wilcox, Director of Public Works, and Cathie Mahon, Secretary.

Other:

Approximately 8 participants in the audience

CHAIR ANNOUNCEMENTS

Chair opened the public hearing, stating File No. **ANX-1-06** was still open for testimony and continued from the previous night meeting.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

1. By a 5-1 vote (Motion: Commissioner Dundom; Commissioners Collis, Dentino, Dundom, Gorman, and Nishioka voted in the affirmative; Commissioner Yock voted against the motion), the Planning will send a favorable recommendation to City Council, for File No. **ANX-1-06**, a request to annex 31.94 acres of land consisting of 7 tax lots; Assessor's Map 40-13-32B, Tax lots 1001, 1201, 1202, and 1300 and 40-13-32C, Tax Lots 211, 213, and 216; located on Old County Road; currently zoned County R-2 (Residential two); Gary Cooper for K&D Properties and Ron Hedenskog, applicants.

Attached to the recommendation for approval will be a suggestion from the Planning Commission that a condition of approval be:

- At the time of development that Old County Road will be brought to City and County Road Standards.

Before testimony for the public hearing began, Commissioner Hedenskog declared bias, due to being one of the applicants for the request, and left the bench.

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

Jim Capp, Western Land Use Services, P. O. Box 2937	Harbor, OR 97415
Gary Cooper, representative for KD Properties, Inc. P. O. Box 5029	Brookings, OR 97415

The Chair read into the record:

- A letter from William & Martha Turner P. O. Box 7705 Brookings, OR 97415
- A memo from Lt. Bishop, City of Brookings Police Department

The applicants represented by Jim Capp, waived their right to seven (7) additional days in which to submit written testimony.

After the vote was taken, Commissioner Hedenskog re-entered the meeting at 8:31 p.m.

2. By a 7-0 vote (motion: Commissioner Hedenskog) the Planning Commission approved File No. **M3-4-06**, an application for a minor partition to divide a .43 acre parcel into two parcels; located at 735 Pioneer Rd; Assessor's Map 41-13-05BB, Tax Lot 1802; R-2 (Two-Family Residential) zone; Bart Kast, applicant and representative for Shelton Properties.

All seven commissioners 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.

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

Bart Kast, applicant P. O. Box 6639 Brookings, OR 97415

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

3. By a 7-0 vote (Motion: Commissioner Gorman) the Planning Commission approved the Final ORDER and Findings of Fact for File No. **M3-4-06**.

4. By a 7-0 vote (Motion: Commissioner Collis) the Planning commission approved File No. **CUP-5-06**, a request for a conditional use permit to construct two triplexes on a .43 acre parcel; located at 735 Pioneer Street; Assessor's Map 41-13-05BB, Tax 1802; R-2 (Two-Family Residential) zone; Bart Kast, representative for the Shelton Street Properties LLC

All seven commissioners 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.

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

Bart Kast, applicant P. O. Box 6639 Brookings, OR 97415

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

5. By a 7-0 vote (Motion: Commissioner Hendenskog) the Planning Commission approved the Final ORDER and Findings of Fact for File No. **CUP-5-06**.

6. By a 7-0 vote (motion: Commissioner Hendenskog) the Planning Commission will send to City Council a recommendation of approval for File No. **LDC-1-06**, an amendment to Section 80-Site Plan Approval, of the Land Development Code, City initiated.

Discussion ensued; each page was reviewed and commented on by the commissioners. Planner Snow took notes on the recommended changes which will be noted when the document is reviewed to the Land Development Code Committee before being sent to City Council. Changes recommended from the Planning Commission are in italics.

Section 80.060-Appeals

The applicant may appeal a decision of the site plan committee to the Planning Commission in the form prescribed by the City. Such appeals shall be filed with the City Manager or his designee within ~~five (5)~~ *fifteen (15)* days of the decision of the site plan committee.

Security and Secured Improvement Agreement Process

B. General Provisions

1. Security is accepted for the following public improvements: final paving, street lights, street signs, and miscellaneous above ground elements that do not impact the overall integrity of the project ~~and are less than 10% of the public improvement costs~~. Public improvement costs are defined as the total value of all required improvements for a project. The applicant's engineer determines the cost of the required improvements. The City will review the applicant's engineer's estimate of the cost of the improvements and has the right to determine the true value.

2. The applicant must pay the City's actual processing costs. Actual costs will reflect and include all types of staff time and any consultant fees, including planning, engineering, public works, City administration and legal services, in accordance with the City's adopted fee schedule.

The Planning Commission suggests a legal opinion is needed to determine when the City can require peer review of materials submitted by the applicant.

D. Criteria for Security. Security may be deposited in lieu of the final installation and final acceptance of public improvements identified in Section 80.080 (B), General Provisions. The applicant shall meet all of the following criteria:

1. Has not forfeited a form of security requiring the City to complete a project within the last ~~five (5)~~ seven (7) years.

Section 80.090 Warranty of Public Improvements

A. When all public improvements have been inspected and accepted by the City, the applicant shall provide a one-year warranty bond in the amount equal to 10% of the value for the total public improvements for a period of one year. On hillside developments, with slopes greater than 15% or other hazards as identified in Section 100, the warranty bond shall be extended to 5 years, and the bond shall be for ~~a minimum of~~ 10% of the value of all public improvements. The warranty shall be in a form acceptable to the City.

COMMENTS by the PLANNING STAFF

- Planning Director Bischoff informed the Commission numerous sections of the Land Development Code are being reviewed by the Land Development Review Committee. Revised sections will be brought before the Commission throughout the year for their comments, followed by recommendations to City Council for final approval.
- A revised section of the Comprehensive Plan has been scheduled for the May 16th Public Hearing.
- He also informed the Commission that HW3 withdrew their request for annexation- File No. **ANX-3-05**
- Planner Snow reminded the Commission about working on the survey to comply with Resolution No. 399 establishing the CCI (Committee for Citizens Involvement) and the requirement that the Commission create a survey for a periodic review of the planning process.

Resolution No. 399

Purpose.

The purpose of the Brookings' Citizens involvement program is to assure that citizens of the community have an opportunity to be meaningfully involved in all phases of the land use planning process, and to provide an open forum for the presentation and discussion of differing opinions and points of view.

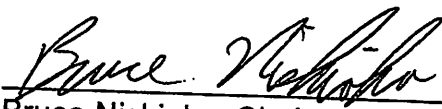
COMMISSIONERS COMMENTS

None.

ADJOURNMENT:

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

Respectfully submitted,



Bruce Nishioka, Chair

(approved at 5-2-06 meeting)

MINUTES
BROOKINGS PLANNING COMMISSION
April 4, 2006

The regular meeting of the Brookings Planning Commission was called to order by Chair Nishioka at 6:57 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
	Richard Yock

Staff Present:

Dianne Snow, Deputy City Planner, and Cathie Mahon, Secretary.

CHAIR ANNOUNCEMENTS

The Chair announced File No. **APPC-1-06**, would not be heard because the applicant requested a postponement.

MINUTES

By a 7-0 (motion: Commissioner Collis) the Planning Commission approved the minutes of March 21, 2006.

COMMENTS by the PLANNING STAFF

Deputy Planner Snow discussed a County Referral File **CR-S-0403** brought before the Planning Commission for their review on January 20, 2006 and the final decision from the County.

- File: Mahar-Kessler *Ocean Heights* subdivision. The public hearing by the Planning Commission was on January 10, 2006. The recommendation was forwarded to the County with 11 suggested conditions. Curry County had their public hearing on February 23, 2006, and a preliminary approval was granted with 25 conditions. The commission was interested in seeing if the County incorporated their suggested conditions. A copy of the County conditions was distributed and discussed.
- Planner Snow asked if anyone had worked on the (Citizens Involvement) survey. Commissioner Collis submitted a questionnaire survey. Discussion ensued regarding who would be approached to participate in the survey and how it would be administered.
- Snow updated the commission on the status of *Pacific Terrace*, File **PUD-1-04**. Richard Wise, representative for the Bruce Brothers was served the following orders:
 - On January 27, 2006, the project was red-tagged by the City for work without having an approved set of Public Improvements on file.
 - On March 7, 2006, a *cease and desist order* was issued. Items in the letter regarded no further permits would be issued until the Public Improvements were approved.

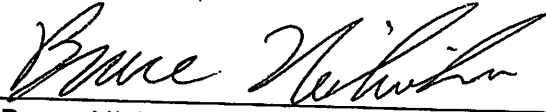
COMMISSIONERS COMMENTS

None.

ADJOURNMENT:

With no further business before the Planning Commission, the meeting closed 8:07 p.m.

Respectfully submitted,

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

Bruce Nishioka, Chair

(approved at 5-2-06 meeting)

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
04/06	04/03/2006	53899	336	VOID - Chris Wallace	10-00-2005	180.00 -M
04/06	04/03/2006	53909	438	VOID - John Bishop	10-00-2005	180.00 -M
04/06	04/05/2006	54208	1881	AFLAC	10-00-2005	303.04
04/06	04/05/2006	54209	910	OR Department of Justice	10-00-2005	115.38
04/06	04/05/2006	54210	1132	OR Department of Justice	10-00-2005	322.15
04/06	04/05/2006	54211	2366	OR Department of Justice	10-00-2005	203.08
04/06	04/06/2006	54212	3473	4imprint	10-00-2005	398.65
04/06	04/06/2006	54213	138	Becco, Inc	10-00-2005	57.90
04/06	04/06/2006	54214	148	B-H Chamber of Commerce	10-00-2005	3,205.33
04/06	04/06/2006	54215	3204	Brookings Development	10-00-2005	205.00
04/06	04/06/2006	54216	416	Brookings Lock & Safe Co	10-00-2005	305.00
04/06	04/06/2006	54217	313	Brookings Vol Firefighters	10-00-2005	2,083.33
04/06	04/06/2006	54218	1373	Cascade Fire Equipment	10-00-2005	334.22
04/06	04/06/2006	54219	110	Cavern Auto And Truck Supply	10-00-2005	6.04
04/06	04/06/2006	54220	1840	Chetco Federal Credit Union	10-00-2005	3,330.00
04/06	04/06/2006	54221	3508	Chris Piekarski	10-00-2005	2.62
04/06	04/06/2006	54222	3510	Coastal Concrete Cutting	10-00-2005	565.00
04/06	04/06/2006	54223	1740	Code Publishing Company Inc	10-00-2005	8,130.00
04/06	04/06/2006	54224	151	Curry Coastal Pilot	10-00-2005	213.35
04/06	04/06/2006	54225	1357	Curry County Clerk	10-00-2005	52.00
04/06	04/06/2006	54226	173	Curry Equipment Company	10-00-2005	14.96
04/06	04/06/2006	54227	259	Da-Tone Rock Products	10-00-2005	781.76
04/06	04/06/2006	54228	284	Day-Wireless Systems	10-00-2005	556.75
04/06	04/06/2006	54229	316	Donald & Roberta Chandler	10-00-2005	548.00
04/06	04/06/2006	54230	153	Ferrellgas	10-00-2005	840.10
04/06	04/06/2006	54231	2882	Globalstar USA	10-00-2005	79.16
04/06	04/06/2006	54232	139	Harbor Logging Supply	10-00-2005	42.60
04/06	04/06/2006	54233	1082	Hilary Thompson	10-00-2005	30.97
04/06	04/06/2006	54234	3511	John Ensley	10-00-2005	685.00
04/06	04/06/2006	54235	3509	Julie Gill	10-00-2005	1.33
04/06	04/06/2006	54236		Information Only Check	10-00-2005	.00 V
04/06	04/06/2006	54237		Information Only Check	10-00-2005	.00 V
04/06	04/06/2006	54238		Information Only Check	10-00-2005	.00 V
04/06	04/06/2006	54239		Information Only Check	10-00-2005	.00 V
04/06	04/06/2006	54240		Information Only Check	10-00-2005	.00 V
04/06	04/06/2006	54241		Information Only Check	10-00-2005	.00 V
04/06	04/06/2006	54242		Information Only Check	10-00-2005	.00 V
04/06	04/06/2006	54243		Information Only Check	10-00-2005	.00 V
04/06	04/06/2006	54244		Information Only Check	10-00-2005	.00 V
04/06	04/06/2006	54245		Information Only Check	10-00-2005	.00 V
04/06	04/06/2006	54246	162	Kerr Hardware	10-00-2005	1,870.30
04/06	04/06/2006	54247	155	Mory's	10-00-2005	490.69
04/06	04/06/2006	54248	424	Munnell & Sherrill	10-00-2005	366.30
04/06	04/06/2006	54249	1844	My-Comm, Inc	10-00-2005	87.60
04/06	04/06/2006	54250	433	NCL of Wisconsin	10-00-2005	244.33
04/06	04/06/2006	54251	2025	Numberg Scientific	10-00-2005	341.46
04/06	04/06/2006	54252	3506	Patricia A Segler	10-00-2005	13.02
04/06	04/06/2006	54253	293	Petty Cash	10-00-2005	113.52
04/06	04/06/2006	54254	1700	Phil's Auto Recycling	10-00-2005	35.00
04/06	04/06/2006	54255	1029	Pitney Bowes Purchase Power	10-00-2005	1,016.99
04/06	04/06/2006	54256	322	Postmaster	10-00-2005	675.00
04/06	04/06/2006	54257		Information Only Check	10-00-2005	.00 V
04/06	04/06/2006	54258	1193	PRN Data Services, Inc	10-00-2005	4,171.35
04/06	04/06/2006	54259	187	Quality Fast Lube & Oil	10-00-2005	86.45
04/06	04/06/2006	54260		Information Only Check	10-00-2005	.00 V
04/06	04/06/2006	54261	207	Quill Corporation	10-00-2005	1,272.65
04/06	04/06/2006	54262	180	Ray's Food Place	10-00-2005	114.72

M = Manual Check, V = Void Check

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
04/06	04/06/2006	54263	3512	VOID - Richard Christensen	10-00-2005	.00
04/06	04/06/2006	54264	199	Richard Harper	10-00-2005	300.00
04/06	04/06/2006	54265	3513	Ron's Automotive	10-00-2005	433.34
04/06	04/06/2006	54266	3369	Schwabe Williamson & Wyatt PC	10-00-2005	630.00
04/06	04/06/2006	54267	3093	Shelton-Turnbull Printers Inc	10-00-2005	236.04
04/06	04/06/2006	54268	3499	Simplot	10-00-2005	240.00
04/06	04/06/2006	54269	2254	Sunny Wheatley	10-00-2005	205.00
04/06	04/06/2006	54270	2586	TMG Services Inc	10-00-2005	101.66
04/06	04/06/2006	54271	179	Trew, Cyphers & Meynink	10-00-2005	4,719.50
04/06	04/06/2006	54272	161	United Communications Inc	10-00-2005	1,498.30
04/06	04/06/2006	54273	136	United Pipe & Supply Co Inc	10-00-2005	1,105.01
04/06	04/06/2006	54274	861	Village Express Mail Center	10-00-2005	168.57
04/06	04/06/2006	54275	1253	Western Bumer Co Inc	10-00-2005	886.23
04/06	04/06/2006	54276	3507	William L Byrtus Trust	10-00-2005	84.84
04/06	04/06/2006	54277	269	WW Grainger	10-00-2005	63.00
04/06	04/06/2006	54278	253	Xerox Corporation	10-00-2005	129.99
04/06	04/13/2006	54279	3520	Alexander Gray	10-00-2005	43.36
04/06	04/13/2006	54280	3521	AORA Spring Meeting	10-00-2005	20.00
04/06	04/13/2006	54281	496	APSCO	10-00-2005	94.13
04/06	04/13/2006	54282	174	Barbara Palicki	10-00-2005	159.95
04/06	04/13/2006	54283	2206	Bell Hardware	10-00-2005	129.00
04/06	04/13/2006	54284	528	Caselle, Inc	10-00-2005	1,898.00
04/06	04/13/2006	54285	1745	Coastal Paper & Supply, Inc	10-00-2005	248.05
04/06	04/13/2006	54286	586	Cole-Parmer Instrument Co	10-00-2005	176.38
04/06	04/13/2006	54287	183	Colvin Oil Company	10-00-2005	5,642.47
04/06	04/13/2006	54288	182	Coos-Curry Electric	10-00-2005	2,910.16
04/06	04/13/2006	54289	2542	Crystal Fresh Bottled Water	10-00-2005	130.00
04/06	04/13/2006	54290	151	Curry Coastal Pilot	10-00-2005	2,652.06
04/06	04/13/2006	54291	337	Curry County Health Dept	10-00-2005	40.00
04/06	04/13/2006	54292	195	Curry Transfer & Recycling	10-00-2005	1,292.26
04/06	04/13/2006	54293		Information Only Check	10-00-2005	.00 V
04/06	04/13/2006	54294	166	Dan's Auto & Marine Electric	10-00-2005	898.72
04/06	04/13/2006	54295	3519	Darryl Yarak	10-00-2005	26.09
04/06	04/13/2006	54296	1351	DAS TPRS	10-00-2005	900.00
04/06	04/13/2006	54297	284	Day-Wireless Systems	10-00-2005	780.70
04/06	04/13/2006	54298	317	DCBS - Fiscal Services	10-00-2005	2,053.67
04/06	04/13/2006	54299	2729	DJC	10-00-2005	1,374.25
04/06	04/13/2006	54300	1803	E-One Inc.	10-00-2005	20,160.86
04/06	04/13/2006	54301	3516	Garry Schauer	10-00-2005	2.00
04/06	04/13/2006	54302	3518	GLC Concrete Construction Inc	10-00-2005	12,500.00
04/06	04/13/2006	54303	1116	Grundfos CBS Inc	10-00-2005	2,813.85
04/06	04/13/2006	54304	1699	Imagistics	10-00-2005	354.31
04/06	04/13/2006	54305	3285	Joyce Heffington	10-00-2005	60.00
04/06	04/13/2006	54306	2680	Kathy Dunn	10-00-2005	25.19
04/06	04/13/2006	54307	2801	Keith's Sporting Goods	10-00-2005	197.20
04/06	04/13/2006	54308	137	LauraLee Gray	10-00-2005	51.99
04/06	04/13/2006	54309	328	Les Schwab Tire Center	10-00-2005	29.90
04/06	04/13/2006	54310	3517	Lisa Shaw	10-00-2005	12.05
04/06	04/13/2006	54311	2815	M. Glazebrook Construction	10-00-2005	395.00
04/06	04/13/2006	54312	2940	McLennan Contractors LLC	10-00-2005	13,939.21
04/06	04/13/2006	54313	155	Mory's	10-00-2005	10.90
04/06	04/13/2006	54314	424	Munnell & Sherrill	10-00-2005	6.00
04/06	04/13/2006	54315	2025	Nurnberg Scientific	10-00-2005	50.40
04/06	04/13/2006	54316	279	One Call Concepts, Inc	10-00-2005	43.05
04/06	04/13/2006	54317	1561	Pacific Coast Hearing Center	10-00-2005	20.00
04/06	04/13/2006	54318	252	Paramount Pest Control	10-00-2005	38.00
04/06	04/13/2006	54319	3515	Pat Potter	10-00-2005	1.84

M = Manual Check, V = Void Check

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
04/06	04/13/2006	54320	3298	Paul Nolte	10-00-2005	52.50
04/06	04/13/2006	54321	645	Pocket Press, Inc	10-00-2005	201.74
04/06	04/13/2006	54322	207	Quill Corporation	10-00-2005	416.27
04/06	04/13/2006	54323	3512	Richard Christensen	10-00-2005	180.55
04/06	04/13/2006	54324	3497	Riverside Inn	10-00-2005	247.50
04/06	04/13/2006	54325	169	Roto Rooter	10-00-2005	204.07
04/06	04/13/2006	54326	3475	SIS-Q Communications	10-00-2005	865.00
04/06	04/13/2006	54327	380	Stadelman Electric Inc	10-00-2005	44,650.00
04/06	04/13/2006	54328	1894	Sunshine Filters	10-00-2005	80.03
04/06	04/13/2006	54329	156	That Special Touch Florist	10-00-2005	60.00
04/06	04/13/2006	54330	273	Traffic Safety Supply Co, Inc	10-00-2005	1,305.13
04/06	04/13/2006	54331	1412	Triangle Pump & Equipment Inc	10-00-2005	2,035.05
04/06	04/13/2006	54332	991	Verizon Northwest	10-00-2005	543.01
04/06	04/13/2006	54333	861	Village Express Mail Center	10-00-2005	6.78
04/06	04/13/2006	54334	269	WW Grainger	10-00-2005	98.33
04/06	04/19/2006	54335	910	OR Department of Justice	10-00-2005	115.38
04/06	04/19/2006	54336	1132	OR Department of Justice	10-00-2005	322.15
04/06	04/19/2006	54337	2366	OR Department of Justice	10-00-2005	203.08
04/06	04/19/2006	54338	214	Regence Life & Health Ins	10-00-2005	254.40
04/06	04/20/2006	54339	3524	Alvin Starr	10-00-2005	32.78
04/06	04/20/2006	54340	256	B & B Excavation	10-00-2005	5,397.79
04/06	04/20/2006	54341	255	Batteries Plus	10-00-2005	161.38
04/06	04/20/2006	54342	1458	Bob Schaefer	10-00-2005	14.00
04/06	04/20/2006	54343	416	Brookings Lock & Safe Co	10-00-2005	67.30
04/06	04/20/2006	54344	714	Brookings Signs & Graphics	10-00-2005	100.00
04/06	04/20/2006	54345	370	CCIS	10-00-2005	8.31
04/06	04/20/2006	54346	193	Central Equipment Co, Inc	10-00-2005	39.49
04/06	04/20/2006	54347	3015	Charter Communications	10-00-2005	1,086.95
04/06	04/20/2006	54348	1745	Coastal Paper & Supply, Inc	10-00-2005	310.03
04/06	04/20/2006	54349	1740	Code Publishing Company Inc	10-00-2005	100.00
04/06	04/20/2006	54350	182	Coos-Curry Electric	10-00-2005	1,205.10
04/06	04/20/2006	54351	151	Curry Coastal Pilot	10-00-2005	37.06
04/06	04/20/2006	54352	798	Dan Palicki	10-00-2005	144.78
04/06	04/20/2006	54353	3299	DHS-State of Oregon	10-00-2005	105.00
04/06	04/20/2006	54354	2340	Diamond Communications, Inc	10-00-2005	4,791.49
04/06	04/20/2006	54355	3017	DOI-USGS	10-00-2005	2,460.00
04/06	04/20/2006	54356	3525	Ed Gross	10-00-2005	57.00
04/06	04/20/2006	54357	3485	FCS Group Inc	10-00-2005	15,518.75
04/06	04/20/2006	54358	2186	Ferguson Enterprises - GP	10-00-2005	2,070.75
04/06	04/20/2006	54359	529	Flora Pacifica Inc	10-00-2005	42.50
04/06	04/20/2006	54360	119	Gall's Inc	10-00-2005	43.55
04/06	04/20/2006	54361	2706	Gary Derr	10-00-2005	22.50
04/06	04/20/2006	54362	198	Grants Pass Water Lab	10-00-2005	154.00
04/06	04/20/2006	54363	139	Harbor Logging Supply	10-00-2005	254.00
04/06	04/20/2006	54364	131	HGE, Inc	10-00-2005	6,000.38
04/06	04/20/2006	54365	2874	Holiday Inn Wilsonville	10-00-2005	255.96
04/06	04/20/2006	54366	598	Hydraflo, Inc	10-00-2005	274.16
04/06	04/20/2006	54367	2546	Jamie Ryan	10-00-2005	100.00
04/06	04/20/2006	54368	616	John Adams	10-00-2005	455.00
04/06	04/20/2006	54369	1397	L N Curtis	10-00-2005	582.53
04/06	04/20/2006	54370	202	League of Oregon Cities	10-00-2005	10.00
04/06	04/20/2006	54371	3174	Michelle Benoit Garden Design	10-00-2005	300.00
04/06	04/20/2006	54372	155	Mory's	10-00-2005	34.85
04/06	04/20/2006	54373	334	North Coast Electric	10-00-2005	630.30
04/06	04/20/2006	54374	695	P & S Construction Co, Inc	10-00-2005	6,321.80
04/06	04/20/2006	54375	1193	PRN Data Services, Inc	10-00-2005	4,009.00
04/06	04/20/2006	54376	187	Quality Fast Lube & Oil	10-00-2005	65.85

M = Manual Check, V = Void Check

Check Register - Summary
 GL Posting Period(s): 04/06 - 04/06
 Check Issue Date(s): 04/01/2006 - 04/30/2006

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
04/06	04/20/2006	54377		Information Only Check	10-00-2005	.00 V
04/06	04/20/2006	54378	207	Quill Corporation	10-00-2005	508.44
04/06	04/20/2006	54379	278	Ron Plaster	10-00-2005	90.00
04/06	04/20/2006	54380	3151	Teletron Communications	10-00-2005	282.00
04/06	04/20/2006	54381	135	The World	10-00-2005	1,109.18
04/06	04/20/2006	54382	396	Tom Moody	10-00-2005	166.01
04/06	04/20/2006	54383	2690	Trinity Carpet Brokers	10-00-2005	5,109.92
04/06	04/20/2006	54384	136	United Pipe & Supply Co Inc	10-00-2005	1,861.30
04/06	04/20/2006	54385	861	Village Express Mail Center	10-00-2005	24.48
04/06	04/20/2006	54386	3523	Virgin Mobile USA LLC	10-00-2005	15.00
04/06	04/20/2006	54387	2178	Watershed, Inc	10-00-2005	287.76
04/06	04/20/2006	54388	269	WW Grainger	10-00-2005	297.64
04/06	04/27/2006	54389	2772	3PM/Hoverland	10-00-2005	30.10
04/06	04/27/2006	54390	2505	Aramark	10-00-2005	394.32
04/06	04/27/2006	54391	146	Bay West Supply, Inc	10-00-2005	112.64
04/06	04/27/2006	54392	1522	Blumenthal Uniforms	10-00-2005	245.20
04/06	04/27/2006	54393	1745	Coastal Paper & Supply, Inc	10-00-2005	36.30
04/06	04/27/2006	54394	2950	Collegiate USA	10-00-2005	345.49
04/06	04/27/2006	54395	183	Colvin Oil Company	10-00-2005	2,565.56
04/06	04/27/2006	54396	182	Coos-Curry Electric	10-00-2005	15,987.46
04/06	04/27/2006	54397	3375	CORRPRO Waterworks	10-00-2005	495.00
04/06	04/27/2006	54398	173	Curry Equipment Company	10-00-2005	36.40
04/06	04/27/2006	54399	284	Day-Wireless Systems	10-00-2005	886.50
04/06	04/27/2006	54400	484	DMV	10-00-2005	13.00
04/06	04/27/2006	54401	2117	Edge Wireless	10-00-2005	226.69
04/06	04/27/2006	54402	3342	Fastenal	10-00-2005	29.43
04/06	04/27/2006	54403	1346	Gail's Graphics	10-00-2005	492.50
04/06	04/27/2006	54404	119	Gail's Inc	10-00-2005	61.97
04/06	04/27/2006	54405	2109	Granite Construction Co.	10-00-2005	566.84
04/06	04/27/2006	54406	131	HGE, Inc	10-00-2005	35,464.20
04/06	04/27/2006	54407	2371	Imperial Scott Specialties	10-00-2005	814.57
04/06	04/27/2006	54408	3528	James Miller	10-00-2005	45.59
04/06	04/27/2006	54409	3530	Kerry Dunn	10-00-2005	19.75
04/06	04/27/2006	54410	328	Les Schwab Tire Center	10-00-2005	456.63
04/06	04/27/2006	54411	1960	National Fire Fighter Corp	10-00-2005	378.00
04/06	04/27/2006	54412	2051	National Waterworks, Inc	10-00-2005	1.16
04/06	04/27/2006	54413	699	Oregon Dept of Transportation	10-00-2005	75.00
04/06	04/27/2006	54414	427	Oregon Pacific Company	10-00-2005	138.24
04/06	04/27/2006	54415	3529	Ray Johnson	10-00-2005	33.04
04/06	04/27/2006	54416	3093	Shelton-Turnbull Printers Inc	10-00-2005	621.84
04/06	04/27/2006	54417	380	Stadelman Electric Inc	10-00-2005	527.72
04/06	04/27/2006	54418	3151	Teletron Communications	10-00-2005	235.00
04/06	04/27/2006	54419		Information Only Check	10-00-2005	.00 V
04/06	04/27/2006	54420	2586	TMG Services Inc	10-00-2005	617.57
04/06	04/27/2006	54421	680	TMT Pathway	10-00-2005	345.26
04/06	04/27/2006	54422	273	Traffic Safety Supply Co, Inc	10-00-2005	250.75
04/06	04/27/2006	54423	990	United Parcel Service	10-00-2005	54.53
04/06	04/27/2006	54424		Information Only Check	10-00-2005	.00 V
04/06	04/27/2006	54425		Information Only Check	10-00-2005	.00 V
04/06	04/27/2006	54426	2122	VISA	10-00-2005	1,405.48
04/06	04/27/2006	54427	551	Western Pacific Tree Serv Inc	10-00-2005	2,220.00
04/06	04/27/2006	54428	269	WW Grainger	10-00-2005	12.80
Totals:						<u>298,034.15</u>

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
-----	------	----------	-----------	-------	---------------	--------

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

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

In the matter of Planning Commission File No. ANX-1-06; application for approval of an annexation, KD Properties, et al, applicant.

ORDER Approving an application for an annexation of 32± acres consisting of six tax lots located on the west side of Old County Rd. and one tax lot on the east side of Old County Rd. and including approximately 1150 feet of Old County Rd. from the city limits to the entrance to the first tax lot of the annexation; Assessor's Map 40-13-32B, Tax Lots 1002, 1201, 1202, 1300 and Assessor's Map 40-13-32C, Tax Lots 211, 213, 216.

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with Section 148, Annexation, of the Land Development Code; and,
2. The Brookings Planning Commission duly considered the above described application on the agenda of its regularly scheduled public hearing on March 21 and March 22, 2006; and
3. Recommendations were presented by the Planning Director in the form of a written Staff Agenda Report dated March 10, 2006, and by oral presentation, and evidence and testimony was presented by the applicant and the public at the public hearing; and,
4. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the Planning Commission, upon a motion duly seconded, accepted the Staff Agenda Report and recommended that the City Council approve the request, and
5. The Brookings City Council duly considered the above described application in a public hearing at a regularly scheduled public meeting held on April 24, 2006, and is a matter of record; and
6. At the conclusion of said 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 Planning Commission's recommendation and approved the request; and

THEREFORE, LET IT BE HEREBY ORDERED that the application for an annexation of the subject parcel is approved. This approval is supported by the following findings and conclusions:

FINDINGS

The applicant's findings are the primary findings in this matter and will be made a part of the Final Order upon approval. The following are general findings to show that all of the criteria have been met.

1. The applicant has submitted findings addressing each of the goals of the city's Comprehensive Plan.

2. The applicant has submitted findings addressing the submittal required in Section 148.020, Annexations, of the Land Development Code.
3. The applicant has submitted findings addressing all of the criteria in Section 148.030.
4. The applicant has submitted findings addressing all of the criteria in Section 148.040.

CONCLUSIONS

The materials submitted by the applicant are complete and satisfy all of the criteria presented in Section 148, Annexations, of the Land Development Code, to justify the proposed annexation.

Dated this 8th day of MAY 2006.

Pat Sherman, Mayor

ATTEST:

John C. Bischoff, Planning Director

FINDINGS IN SUPPORT OF ANNEXATION REQUEST

Pursuant Land Development Code, Section 148

1. Statement of the Criterion:

148.020 Application procedures. An application for annexation may be filed with the city on a form prescribed by the city, accompanied by a filing fee in the amount established by general resolution of the city council. No part of the filing fee is refundable. Said application shall contain the following information:

A. Vicinity map identifying the proposed area of annexation and existing city limits.

a. Finding on this criterion:

This application was filed with the City, on the required form, on August 12, 2005 along with the Fee of \$725.00 as verified by City receipt No 1.011291. Application number ANX-4-05 was assigned to this application at that time. Through consultation with City staff, subsequent amendments and additions to this application resulted in this application being deemed complete for processing.

DLCD Notice of Proposed Amendment pursuant this application was mailed to DLCD by City staff on August 16, 2005 as required under Oregon Revised Statutes (ORS) 197.061 and Oregon Administrative Rules (OAR) Chapter 660.

The requisite vicinity map appears as **Exhibit 1** of this application. The best vicinity map for this application according to City staff are Assessor Maps 40-13-32B and 32C on which the Subject Property is delineated. Those maps were submitted with this application. Additionally, other maps appear throughout this application which show the subject property and its relationship to other property and features of the surrounding neighborhood. We conclude this application is in accord with this criterion.

2. Statement of the Criterion:

B. Assessor's parcel maps of the proposed annexation area, which maps shall indicate and identify those parcels which consents to annex have been signed by either electors and/or owners depending on which annexation process is used under the provisions of the ORS.

a. Finding on this criterion:

Assessor Maps 40-13-32B and 32C are attached to this application as required. Tax Lots 1002, 1201, 1202 and 1300 of Map 40-13-32B and Tax Lots 211, 213 and 216 of Map 40-13-32C are the subject of this Request for Annexation. According to the records of the Curry County Assessor Department the owners of these lots are:

<u>On Map 40-13-32B</u>	<u>Acres</u>	<u>Name of Owner</u>
1002	1.90	Phillip C Heiss
1201	16.85	Garry & Lesa Cooper rep for K&D Properties
1202	1.06	Ralph & Jan Goble
1300	<u>1.35</u>	Minor & Sonia Chavez
<u>On Map 40-13-32C</u>		
211	1.00	Joe & Stephanie Morin
213	8.27	William R & Rose M Hedenskog
216	<u>1.51</u>	J Bilodeau
Total = 31.94 acres		

3. Statement of the Criterion:

C. Consent to annex forms completed and signed by all property owners within the territory proposed to be annexed.

a. Finding on this criterion:

This request for annexation does not require consent to annex forms be signed. According to City Planning Director the act of submitting application for annexation, because it shows intent of the property owner and contains that owners signature, replaces the need for the consent to annex form. Signatures of Principal Participants, Cooper and Hedenskog, appear on the application and signatures of the remaining applicants appear on the "Agreement", dated April 11, 2005, in agreement for annexation and reimbursement of funds to the Principal Participants (Cooper and Hedenskog). Together these documents contain all applicant's signatures. Therefore, no consent to annex form is necessary with this application and none is submitted. This application is a statement of intent and consent to annex and therefore is in compliance with this criterion according to staff.

4. Statement of the Criterion:

D. Legal metes and bounds, or lot and block description of the territory proposed to be annexed.

a. Finding on this criterion:

The subject property is legally described as Tax Lots 1002, 1201, 1202 and 1300 of Map 40-13-32B and Tax Lots 211, 213 and 216 of Map 40-13-32C together with that portion of the Right-of-Way of Old County Road (approximately 1.14 Acres) shown on those maps as applicants were instructed during discussions with City Management, Planning Department and Public works staffs should also be annexed.

5. Statement of the Criterion:

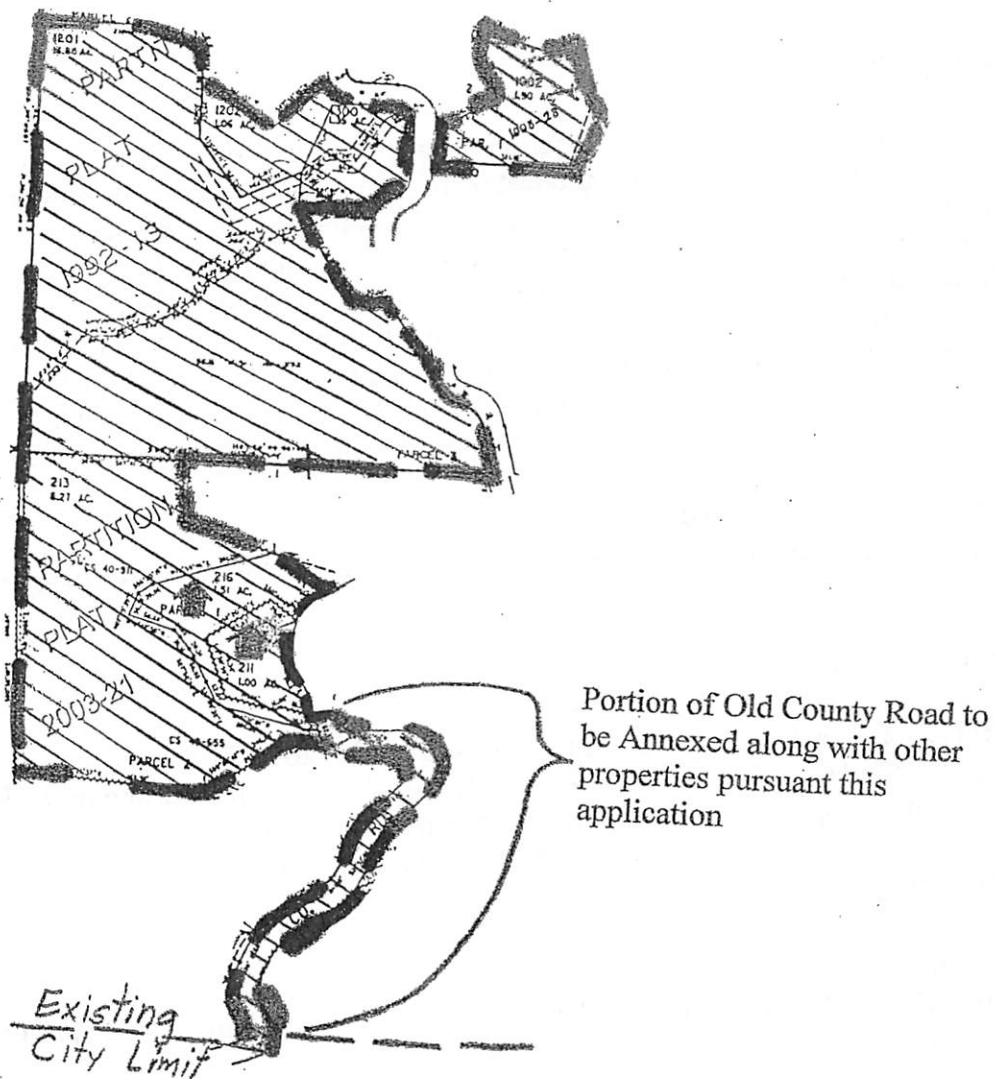
E. Specific information on each parcel within the territory proposed to be annexed as follows:

1. Current assessed valuation as shown on the Curry County Assessor's tax rolls.
2. Acreage.
3. Map and tax lot number.
4. Owner or owners of record and/or registered electors residing on the premises of the subject parcel.

a. Finding on this criterion: Map and Tax Lot # Assessed Valuation, Ownership and Acreage

A cut out portion of the Vicinity Map, showing only the parcels which make up the subject property and that portion of Old County Road to be annexed is printed below. Symbols representing dwellings are placed on tax lots where the Assessment information indicates dwellings are located. On the following page the Curry County Assessor office information, current as of July 15, 2005, is listed for each of the seven tax lots which comprise the subject property for this application.

SUBJECT PROPERTY
EXISTING USES



	<u>Owner</u>	<u>Acreage:</u>
Tax Lot 1002, 40-13-32B;	Phillip C Heiss	1.90
Improvements code # <u>none</u> and value = \$ 0		
Land code # 120 and value = \$68,710		
Situs Address (if any) <u>none</u>		

Tax Lot 1201, 40-13-32B;	K&D Properties	16.85
Improvements code # <u>none</u> and value = \$ 0	(represented by Garry & Lesa Cooper)	
Land code # 420 and value = \$ 119,380		
Situs Address (if any) <u>none</u>		

Tax Lot 1202, 40-13-32B;	Ralph & Jan Goble	1.06
Improvements code # <u>none</u> and value = \$ 0		
Land code # 120 and value = \$ 113,000		
Situs Address (if any) <u>none</u>		

Tax Lot 1300, 40-13-32B;	Minor & Sonia Chavez	1.35
Improvements code # <u>none</u> and value = \$ 0		
Land code # 120 and value = \$ 98,810		
Situs Address (if any) <u>none</u>		

Tax Lot 211, 40-13-32C;	Joe & Stephanie Morin	1.0
Improvements code # 131 and value = \$ 131,000		
Land code # 121 and value = \$ 102,040		
Situs Address (if any) 16966 Old County Road, Brookings, OR 97415		

Tax Lot 213, 40-13-32C;	William & Rose Hedenskog	8.27
Improvements code # <u>none</u> and value = \$ 0		
Land code # 420 and value = \$ 65,670		
Situs Address (if any) <u>none</u>		

Tax Lot 216, 40-13-32C;	J Bilodeau	1.51
Improvements code # 141 and value = \$ 200,950		
Land code # 121 and value = \$ 83,510		
Situs Address (if any) 16958 Old County Road, Brookings, OR 97415		

Note: Improvement codes beginning with digit "1" represents a dwelling on the property.

Resident Persons: There are persons living on only two of the parcels. Tax Lots 211 and 216 are occupied by the owners as indicated in the review above. No other residing persons occur on any of the other subject properties.

Portion of Old County Road within subject proposed annexation area:	1.14
--	-------------

This road is publicly owned (County) and is not subject to and is exempt from taxation.

6. Statement of the Criterion:

F. Addresses of all dwelling units and businesses within the territory proposed to be annexed.

a. Finding on this criterion:

According to records of the Curry County Assessor Department, there are dwelling units located on two tax lots at the addresses listed below:

Tax Lot 211, 40-13-32C

16966 Old County Road, Brookings, OR 97415

Tax Lot 216, 40-13-32C

16958 Old County Road, Brookings, OR 97415

b. Finding on this criterion:

If a lot is occupied by a commercial use the assessment data would record a Building Class (STAT) class number beginning with a first digit of "4". None of the subject tax lots have a building class number beginning with the digit 4. [Reader is cautioned the entry of class #420 pertaining to Tax Lot 213 in the listing of subject properties immediately above reflects a "Land class" and not a "Building class" number. Building class indicates the nature of the use of structures and not that of land.] Therefore, there are no commercially assessed structures located on the Subject Property according to records of the Curry County Assessor Department.

7. Statement of the Criterion:

G. Significant natural features within the area proposed for annexation including but not limited to, streams, wetlands, slopes, and areas of geological significance.

a. Finding on this criterion:

The most notable natural feature of the subject property is the terrain itself. All of the seven subject parcels are located in the same landform known locally as Hilly Coastal Terrain. This terrain slopes generally down hill to the west and is cut by several minor drainages flowing in that direction.

A detailed topographic map, printed at a horizontal scale of 1" = 100' and at the size 24" X 36" is attached as exhibit to this application. As the map's legend indicates, contour data is a combination of ground survey and photogrammetric data purchased from Sdi West which was based on photography dated 1992. Intermediate contour interval is 2' and index contours are at 10'. This map also exhibits tax lot lines and numbers as well as the owners names of each tax lot. Old County Road right-of-way and section corners are also identified on the map. A much reduced copy of this topography map appears on the following page. Because it is greatly reduce to fit on the 8 ½ " X 11" inch page, it is to no known scale.

This topographic map depicts a section of the City of Phoenix, Arizona, characterized by dense contour lines representing elevation. The map includes several tax lots with their respective owners:

- TAX LOT 1002:** PHILIP C. HESS
- TAX LOT 1100:** PAT & SARAH HERDOCHY
- TAX LOT 1208:** MARION & SHARON HERDOCHY
- TAX LOT 1300:** MINOR & SONIA CHAVEZ
- TAX LOT 1301:** ALAN & PAUL HERDOCHY

A winding road, labeled "OLD COUNTY ROAD", traverses the map. Section boundaries for "SECTION 31" and "SECTION 32" are clearly marked. A scale bar at the bottom indicates distances in feet (0 to 100) and miles (0 to 1/2).

8. Statement of the Criterion:

H. Adjoining land uses.

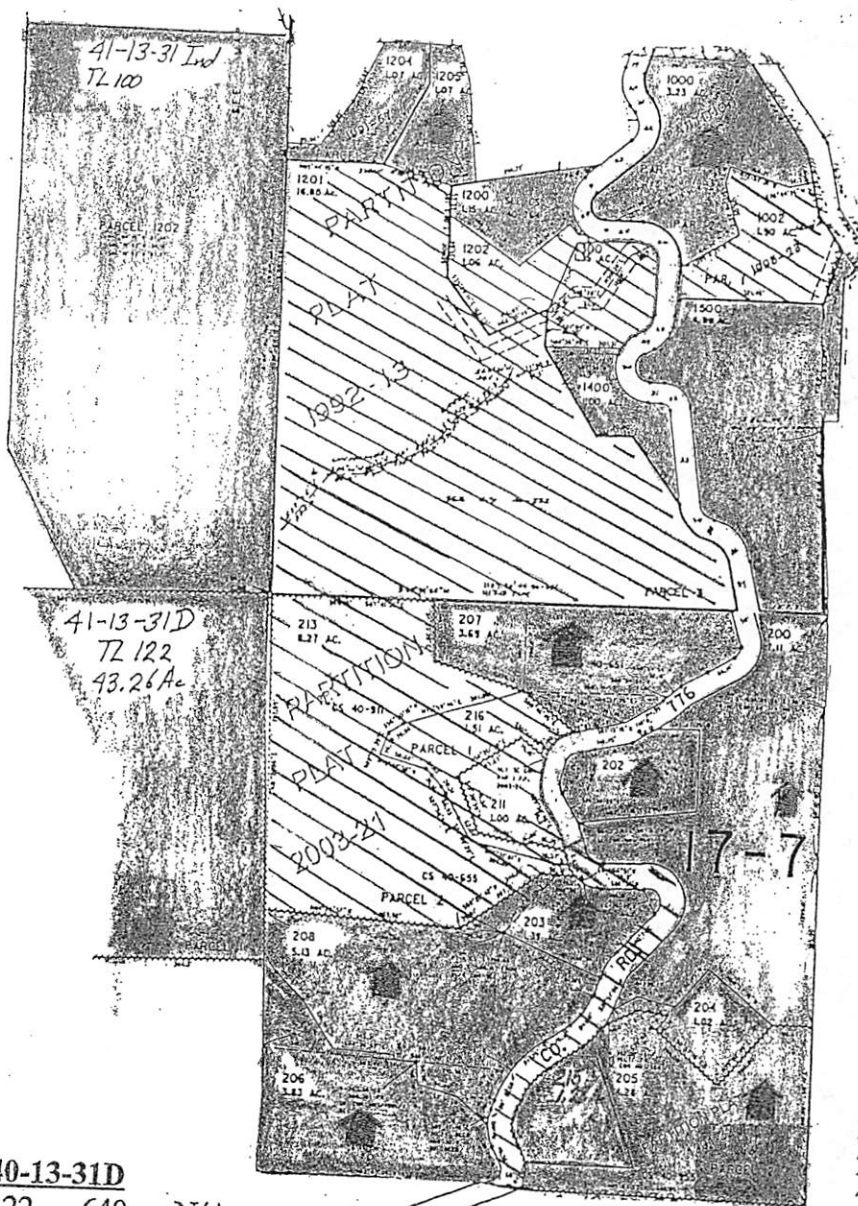
a. Finding on this criterion:

Adjoining land uses are listed below by map and tax lot number beginning with adjoining uses to the north then extending around the subject property in clockwise fashion as shown by the shading on the map. Assessment class numbers reflect buildings in like fashion as indicated above.

TL# Land / Building
Class / Class = Use

40-13-31

100 640 N/A none



40-13-31D

122 640 N/A none

TL# Land / Building
Class / Class = Use

40-13-32B

1204	120	N/A	none
1205	121	143	dwelling
1200	120	N/A	none
1000	121	153	dwelling
100	940	N/A	none
1500	421	ET7	none
1400	121	144	dwelling

40-13-32C

200	421	MD6	mob home
207	121	144	dwelling
202	121	142	dwelling
203	121	142	dwelling
204	940	N/A	City Tank
205	431	ED5	mob home
208	431	143	dwelling
206	131	142	dwelling
215	131	142	dwelling

9. Statement of the Criterion:

- I. Written findings of fact prepared by the petitioner(s) or petitioner(s) representatives which address the following:
 1. Existing land uses within the territory proposed to be annexed.
 2. existing zoning and comprehensive plan designations within the territory.
 3. Existing improvements, such as water system, streets, sanitary sewer, storm drainage.
 4. Special service districts within the territory proposed to be annexed, such as water, irrigation, fire, school, sanitary and etc.
 5. Urban services needed and necessary to service the territory proposed to be annexed, the availability of same relative to capacity, condition and cost of extension and/or improvement to urban standards and an estimated time line for any required improvements..
 6. Compliance with all applicable goals and policies of the comprehensive plan.
 7. Compliance with all of the items listed in subsection 148.030.
 8. The burden of providing the findings is the responsibility of the applicant.

a. Finding on this criterion:

1. Existing land uses within the territory proposed to be annexed.

The Curry County Assessor office land class numbers, current as of July 15, 2005, describe existing land use for each of the subject properties as follows:

Tax Lot 1002, 40-13-32B; Residential (under four acres), Unimproved (vacant)
Tax Lot 1201, 40-13-32B; Tract (over four acres), Suburban (UGB), Unimproved (vacant)
Tax Lot 1202, 40-13-32B; Residential (under four acres), Unimproved (vacant)
Tax Lot 1300, 40-13-32B; Residential (under four acres), Unimproved (vacant)
Tax Lot 211, 40-13-32C; Residential (under four acres), Suburban (UGB), Improved (buildings)
Tax Lot 213, 40-13-32C; Tract (over four acres), Suburban (UGB), Unimproved (vacant)
Tax Lot 216, 40-13-32C; Residential (under four acres), Suburban (UGB), Improved (buildings)

b. Finding on this criterion:

2. existing zoning and comprehensive plan designations within the territory.

The subject property (7 tax lots plus portion of Old County Road) lies within the jurisdiction of Curry County. The County Comprehensive Plan designates the property as Residential and the County Zoning Ordinance Map indicates all of the subject property is zoned Residential R2. The subject property is located within the Brookings Urban Growth Boundary as adopted in 1981; later amended in 1995; and, acknowledged by the Land Conservation and Development Commission May 2002.

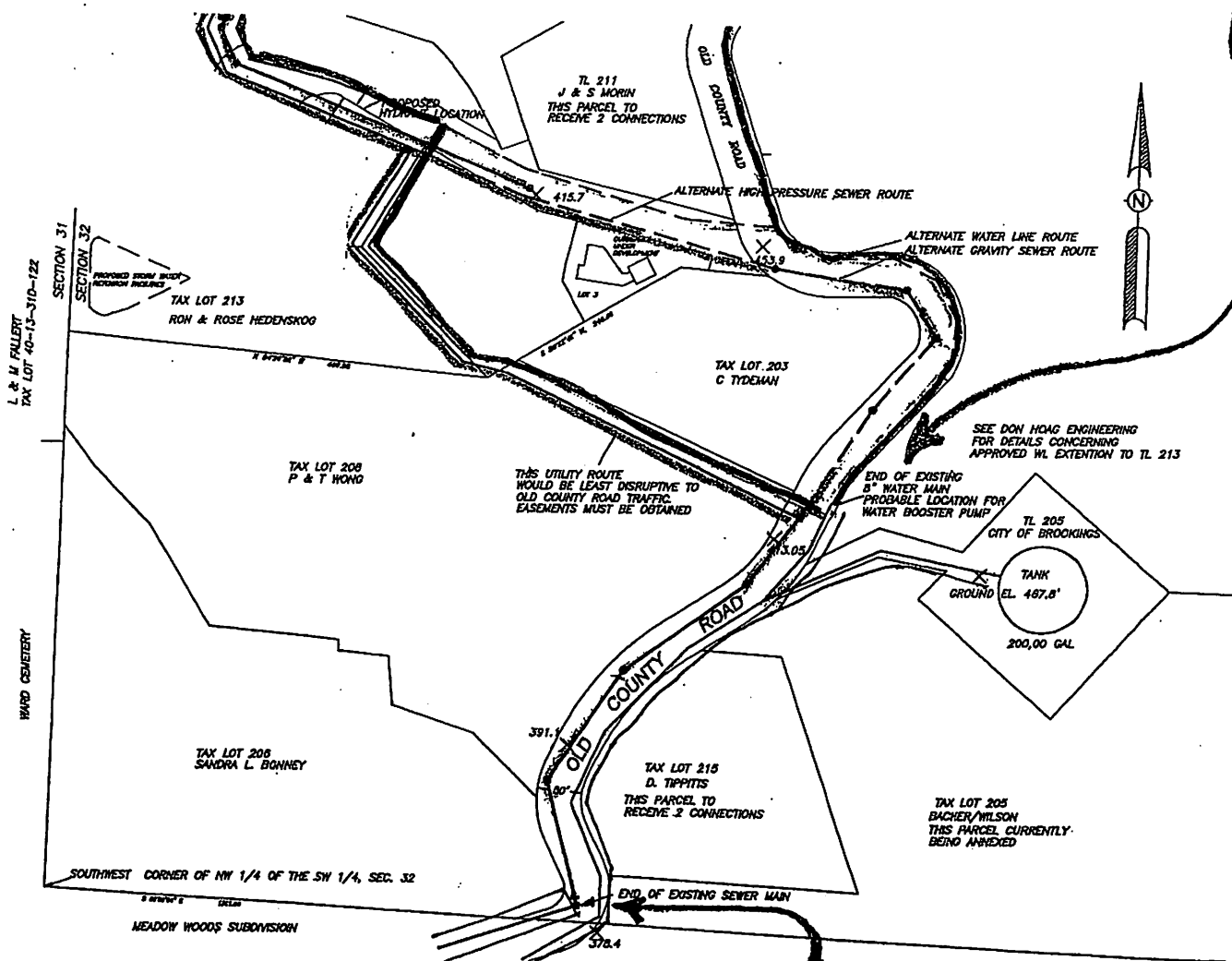
Prior to the group applicants decision to annex the subject property to the City of Brookings, a few of the property owners considered development options under County jurisdiction through the county Residential R2 zone. However, we concluded annexation and development to City residential standards would be more in keeping with City plans and intentions to urbanize the Old County Road neighborhood over the long run as evidenced in the City and County Comprehensive Plans and Urban Growth Boundary documents which allow extension of municipal sewer service upon annexation to the City.

As discussed elsewhere in this application, it is applicants Cooper and Hedenskog intent and proposal at this time, upon annexation to the City and after City approval of preliminary plat or other land use application for portions of the subject property, to construct sewer and water lines along the southerly portions of Old County Road and passing over to the west and within their property.

c. Finding on this criterion:

3. Existing improvements, such as water system, streets, sanitary sewer, storm drainage.

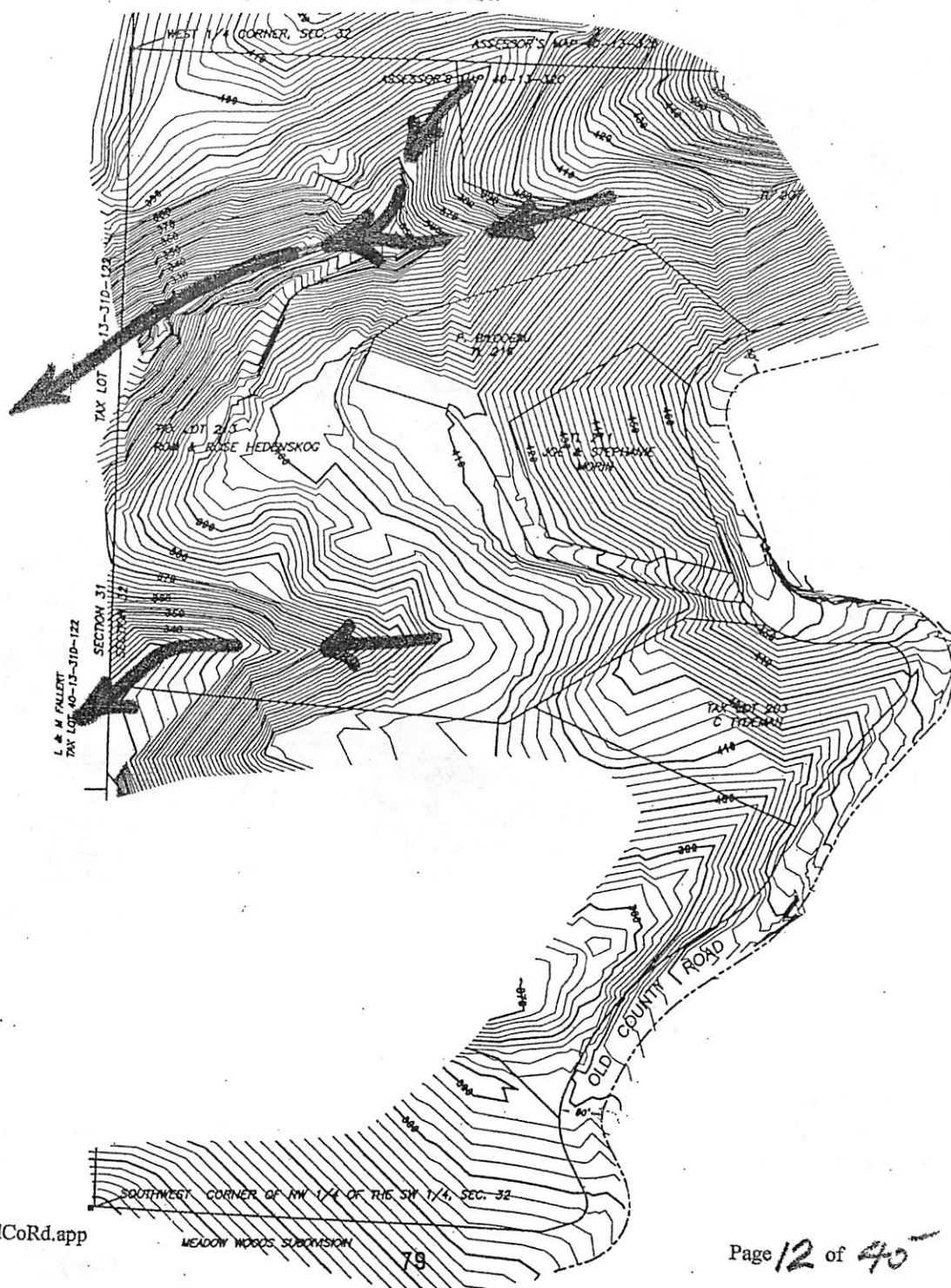
The existing 8" City Water Line main extends approximately 590 feet north of the City Limit in the adjacent R-o-W of Old County Road at which location it is located approximately 400 feet from the southeasterly end of the Hedenskog property (TL 213) where that property abuts the R-of-W of that Road.



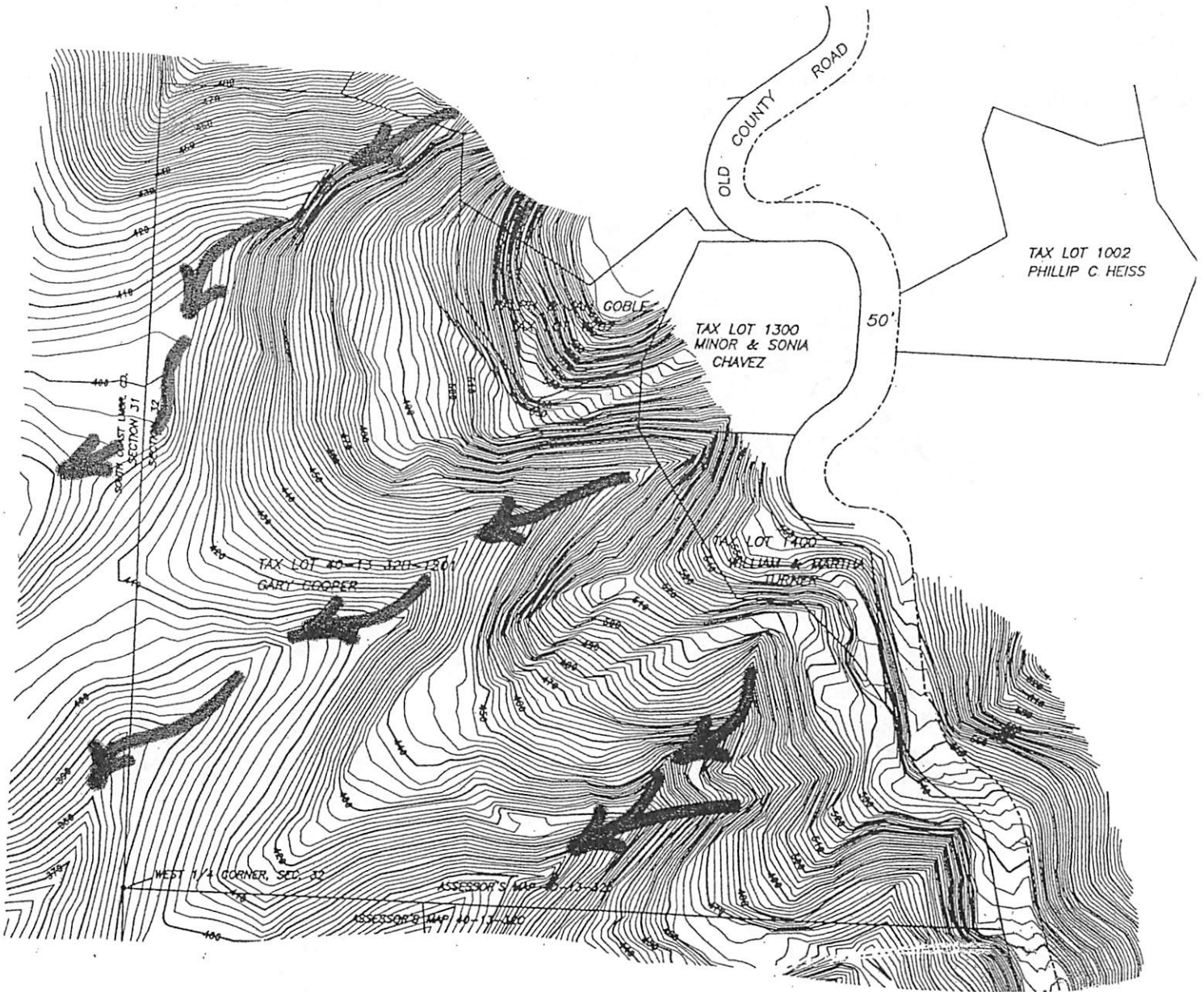
At this writing, the nearest City of Brookings Sewer Line is within the right-of-way of Old County Road and approximately 990 feet along Old County Road from the southeasterly end of the Hedenskog property (TL 213) where that property abuts the R-of-W of that Road.

Old County Road is a paved, striped, two lane County Road (#776) which lies adjacent generally to the west and/or runs through portions of the Subject in a general trend south to north. That road is designated a Collector at Tables 4-9 and 5-17 of the City of Brookings Transportation Systems Plan. According to Curry County Road Dept., this road averages 20 foot wide, asphaltic pavement; is a two lane striped, collector road.

The storm drain system in the vicinity consists of natural drainage channels. Beginning with the subject area found on Assessor Map 40-13-32C and shown on the topographic map below we demonstrate the minor drainages which flow through the Hedenskog, Morin and Bilodeau property. These properties are the most close to the existing City of the subject properties and are the southerly portion of the subject. The existing minor drainages are accentuated by heavy arrows showing the direction of flow which trends generally downhill to the west.



Next the subject area found most northerly from the existing City limit and on Assessor Map 40-13-32B and shown on the topographic map below we demonstrate the minor drainages which flow through the Cooper, Chavez and Goble and property. These are the northerly portion of the subject west of Old County Road. The existing minor drainages are accentuated by heavy arrows showing the direction of flow which, again, trends generally downhill to the west.



Other services such as Telephone, cable TV and electric lines also exist in the area and are provided to the developed properties which exist along Old County Road further north from the subject. Those services are in use in this vicinity.

d. Finding on this criterion:

4. Special service districts within the territory proposed to be annexed, such as water, irrigation, fire, school, sanitary and etc.

According to Assessor Map 41-13-31B, the subject property is located in an area of Curry County assigned tax code area 17-7. According to printed information distributed by the Assessors Office titled "Curry County 2003-04 Tax Roll Summary By Taxing Districts" the following special districts and other entities have taxing authority in this tax code area:

- School District 17-C
- Education Service District
- South West Oregon Community College
- Port of Brookings-Harbor
- South Curry Cemetery District
- Suburban Fire District
- Chetco Library District
- Coos Curry 4H & Extension
- Curry County General
- Curry Soil and Water Conservation

Three of the districts listed are involved with educational facilities and services. One district governs the Chetco River/Ocean interface and related parameters. There are cemetery, fire and library governing bodies (districts) as well. Based on this tax code area information there are no special districts providing municipal water or sewer services to the subject property or its vicinity.

e. Finding on this criterion:

5. Urban services needed and necessary to service the territory proposed to be annexed, the availability of same relative to capacity, condition and cost of extension and/or improvement to urban standards...

A complete array of Brookings area urban services is anticipated and desired to serve the area to be annexed to include: municipal sewer and water, police and fire protection. Electric service, cable or satellite TV and etc. are all anticipated and desired.

The availability (relative to capacity) of sewer and water has always been addressed by the City, as far as connection or new hookup is concerned, on a first come first served basis. During times when capacity is not available, for what ever reason, for instance in sewage treatment facilities, the City would not issue additional hookup permits until such time as the treatment facilities have been reviewed and improved so that additional sewage treatment capacity is restored and available. That said, Planning Director, Mr. Bischoff, indicates sewage capacity in the City is not a problem because the "City treatment facilities have capacity for urban growth boundary buildout". The subject properties are located within the urban growth boundary; therefore, capacity to serve these properties at urban density exists.

Cable or Satellite TV service, High speed internet service, telephone service and any similar services are normally affected to the individual residence on a contractual basis between the provider and the individual home owner or renter except that as development permits and/or land division plats are processed by the City, the City normally requires underground conduit to be installed so that wiring for these services can be installed underground. This is common practice with subdivision or PUD developments in the City and is anticipated in this case.

Construction method and design of these utilities is not a facet of annexation itself; rather, it will be addressed, and the method of construction will be required, by conditioning of preliminary plats during consideration and issuance of development permits after annexation occurs.

Applicant's Hedenskog and Cooper intend construction of their individual developments, at the latest, no later than during the construction season of 2006. This will entail completion of the annexation process and then submittal and processing of individual subdivision, partition or planned unit development permits and then engineering and design work for the actual placement of structures and utilities and services through the land use permit process. Applicant's Heiss, Goble, Chavez, Morin and Bilodeau have not at this time made known their desires for land divisions or additional dwelling construction. Because these properties are small the development potential of their parcels may not be as substantial as the two large parcels. It is likely permits for individual buildings on these smaller parcels will occur time to time over a few years period.

Criteria Repeated:

6. Compliance with all applicable goals and policies of the comprehensive plan.
7. Compliance with all of the items listed in subsection 148.030.
8. The burden of providing the findings is the responsibility of the applicant.

f. Finding on this criterion:

Issues regarding compliance with all applicable goals and policies of the comprehensive plan are discussed in **Part 2** of this application and those findings, by this reference, are made a part hereof.

Issues regarding compliance with criteria A through E of subsection 148.030 are dealt with below in the remainder of this **Part 1** of this application.

The findings and exhibits presented here are by the arrangement of and the effort for the applicant. Subsection 8. is instructive to an applicant and does not itself necessitate finding.

CONCLUSION ON THIS CRITERION:

We conclude the written findings of fact presented above address the criteria of Brookings Development Code Section 148.020.I.

10. Statement of the Criterion:

148.030. Annexation Impact Analysis. The following criteria shall apply to all annexation requests:

- A. The proposed use for the site complies with the Brookings Comprehensive Plan and with the designation on the Brookings Comprehensive Plan Map. If a redesignation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Brookings Comprehensive Plan.

a. Finding on this criterion:

Through out the land use planning process cities and counties were to establish urban growth boundaries in response to Statewide Planning Goal 14. The subject property is within the Urban Growth Boundary adopted along with the City of Brookings 1981 Comprehensive Plan. Additionally, the subject property lies within the expanded Urban Growth Boundary adopted by the City of Brookings and Curry County in 1995. The subject property remained within the Urban Growth Boundary after Periodic Review work task evaluations were Acknowledged in May 2002 by the Land Conservation and Development Commission. The subject property is therefore planned for urban residential use by the Comprehensive Plan Map. No redesignation from residential use to some other use is sought with this application.

b. Finding on this criterion:

Goal 14 sets out seven factors local governments are to consider when establishing or changing urban growth boundaries. The City of Brookings and Curry County have worked during the past decades, late 1970's through 2002, to first establish and then amend the Brookings Urban Growth Boundary in response to the charge of the seven factors of Goal 14. Inclusion of the subject property within the UGB was not been challenged during that time and was not an issue during the process.

Two of the seven factors address "...orderly and economic provision of public facilities and services"...and..."Maximum efficiency of land uses within and on the fringe of the existing urban area...". Following the adoption of the 1981 Comprehensive Plan the Land Conservation and Development Commission acknowledged the Brookings Comprehensive Plan (and the included Urban Growth Boundary) as being in compliance with the Statewide Planning Goals. Several years of effort by the City of Brookings and Curry County to amend the UGB resulted in changes the boundary in 1995 and subsequent LCDC Acknowledgment of that amendment.

Therefore, we conclude the proposed annexation is within the urban growth boundary and represents a logical, efficient and economical extension of the City boundaries. The subject property remains in the acknowledged urban growth boundary and is urbanizable land. Further, annexation of the subject property is found to be a necessary control for development form and standards of an area adjacent to the City.

11. Statement of the Criterion:

B. An adequate level of urban services and infrastructure to accommodate anticipated future development either is available, or can reasonably be made available. An adequate level of urban services shall be defined as:
Municipal sanitary sewer, storm drainage, and water service meeting the requirements enumerated in the Brookings Public Facilities and Services Plan and the Land Development Code for provision of these services. The adequacy of these services shall be considered in relation to annexation proposals.

a. Finding on this criterion:

As reviewed in this Application, the proposed annexation is in compliance with the criteria for annexation contained in the Brookings Land Development Code. Long ago the City developed

and published its projected growth patterns in the Comprehensive Plan and Urban Growth Boundary documents. Annexation of this relatively small property in comparison the City and its UGB will not bring about all of the plans and aspirations for growth of the City. Annexation of the subject property will assist the City to reach its goals for residential growth and development as stated in the Plan. Because the subject lies adjacent existing, paved streets and other utilities and services, development of the subject property will occur in an efficient manner with little impact to existing services and neighborhoods.

b. Finding on this criterion:

As stated above the subject property was included within the UGB after consideration of the Goal 14 factors including those regarding economic provision of services and the Boundary was acknowledged by LCDC. The positive judgment regarding economic provisions of services to the subject property inherent in those decisions most probably resulted from its location in relation to the City, its urban facilities and the semi-urban nature (already developed with suburban levels of lot patterns and some residential uses) of the neighborhood. Water and sewer mains are located within the right-of-way of Old County Road nearby. As reviewed above existing sewer is at the City Limit. The sewer main is located approximately 990 feet along Old County Road from the southeasterly end of the Hedenskog property (TL 213). An 8" water main is located within that adjacent right-of-way and extending past TL 215 and extends approximately 590 feet north of the City Limit slightly past the point where it leaves Old County Road right-of-way to extend east to the location of the existing City water tank located on Tax Lot 204. This water tank is also outside of and beyond current City Limit. Neither water or sewer service is currently available to all of the subject property. The applicants intend constructing sewer and water mains to the property. "Exploratory Utility Routes" are shown on the Preliminary Sketch by Stuntzner. At this writing, it is anticipated both sewer and water lines to serve the Hedenskog and Cooper property will leave the right-of-way of Old County Road at the flagpole/drive to Hedenskog's Tax Lot 213 and traverse that property to the lower portion of that site near its northerly boundary where a lift station is proposed. The Cooper and other parcels included within this annexation request lying north of Hedenskog's Lot 213 would then be served gravity sewer lines from that lift station. Both of these will be accomplished at the applicants expense and at no cost to the City. Applicants are aware of "Reimbursement Procedures" found at Section 172.065 of the Brookings Development Code and expect reimbursement as other developments may come on line and attach to the system applicants have completed as this City process currently provides. This situation most certainly qualifies as "economic provision of service". It provides maximum use of gravity sewer lines instead of multiple lift stations which might otherwise be required for sewer location within Old County Road right-of-way; and, it provides sewer and water services to the annexation area at the applicant's expense. Other services such as power, cable TV, telephone, etc. are already located along this right-of-way and are currently in use within the neighborhood. Those Uses will be intensified as development occurs.

c. Finding on this criterion:

Of paramount concern when developing urban areas with an eye toward "functional and economic provisions of services" is whether the area to be served drains down hill to the nearest existing sewer main. Put another way; will sewer lines be able to flow by gravity rather than having to rely on mechanical pumping stations to assist the flow of sewage to treatment facilities. The least expensive, and therefore the most economical, is normally gravity flow piping. The alternate routes shown on the Stuntzner Sketch provide a potential for only one pumping station to serve the area

with sewer as discussed above. A review of the topography map reveals that placing sewer within the existing right-of-way of Old County Road would likely result in multiple pumping stations being required thereby raising the cost of sewer service to the area considerably. Since the vast majority of the subject property is located uphill from the existing sewer line at existing City Limit and uphill from the proposed sewer route and pump station, we conclude the proposed annexation will facilitate the functional and economic provision of services within the UGB.

d. Finding on this criterion:

City police and fire services and other services are in existence and use in the neighborhood to the south along Old County Road within City Limit located closely to the south of the subject property. Reciprocal service agreements are currently in effect for police and fire protection service between Curry County and the City. Mr. Sharp, Fire Chief indicates the name of the District was recently change from the former Suburban Rural Fire District to the Brookings Rural Fire District, which is essentially the City of Brookings Fire Department. This District currently provides structural fire protection for the entire area of the subject property. Upon annexation the subject area will simply be under the coverage of the Brookings Fire Department and not the Brookings Rural District. The Subject Property has an area of approximately 31.94 acres. City services will not be significantly impacted by annexation of the subject and subsequent development of homesites. On the contrary, installation of sewer and water mains over such a long distance and at little or no cost to the City will both improve the functionality of those systems and constitute the economic provision of those services to and through the Old County Road neighborhood. Development of the subject will result in extension of systems to the subject property and neighborhood of appropriate size for the urbanizable area. The discussions contained in this application regarding impact analysis of the proposed annexation demonstrates the positive economic impact of the annexation. We conclude the proposed annexation will facilitate the functional and economic provisions of services within the Urban Growth Boundary without seriously impairing city services to existing portions of the city.

e. Finding on this criterion:

The list of property, along with acreage, ownership and potential number of dwellings, resulting from property owner preference; and, preapplication discussions with City of Brookings staff, is indicated below. This list is reduced from the original because some owners dropped out; and, because City staff determined some of the original properties could not be reasonably considered contiguous.

considered contiguous.		# of new dwelling units	
Tax Lot	Acres	Proposed by owner	zone min lot
<u>On Map 40-13-32B</u>			
1002	1.90		6
1201	16.85	50	61
1202	1.06		4
1300	1.35		4
Subtotal =	21.16		
<u>On Map 40-13-32C</u>			
211	1.00		3
213	8.27	8	30
216	1.51		5
Subtotal =	10.78	SubTotal dwellings = 58	113

Total = 31.94 acres

Total dwellings units possible with R-1-12 (12,000 sq.ft.) = 113 High estimate

Two applicants, Cooper and Hedenskog, have preliminary plans showing a total of 58 dwelling units on their combined properties which account for 25.12 of the total 31.94 acres. The preliminary plans of these two property owners are attached as Exhibits to this application. Several of the existing properties are already developed and, as can be seen above, are approximately an acre in size. Due to steep slopes in the area and the fact some of the lots have existing dwellings placed in such fashion as to perhaps preclude all additional units listed, several may not be developable to any greater extent. The actual number of additional dwellings may be lower than shown above.

f. Finding on this criterion:

The July, 2005 population estimates for the City of Brookings as published by Portland State University Center for Population Research was 6,050 persons. The 2000 U.S. Census reported an average of 2.38 persons per household and we assume that is still fairly accurate for purposes of this impact assessment. Accordingly, extrapolating from those figures results in 2,542 households within the City (6,050 divided by 2.38). The maximum potential of 113 dwellings, if all the subject property were to be zoned R-1-12, would add approximately 269 persons to the City population ($113 \times 2.38 = 268.94$). [This will not actually be the case however because only the Cooper and Hedenskog property is requested to be zoned R-1-12.] One hundred thirteen dwellings equates to 4.5% (0.0444) of existing households in the City and 269 persons equates to less than 4.5% (0.0444) of the City population. These are not great increases in existing conditions and these increases would not cause a great impact on municipal services. This density is also not a high density for urban use.

However, for purposes of assessing impacts from development which is actually planned, we take a conservative approach and utilize the 58 dwelling units proposed by Hedenskog and Cooper and combine those with the maximum number of dwelling units which could be developed on the remaining five parcels again assuming R-1-12 zoning. [This again is an over estimate because only the Cooper and Hedenskog properties are requesting R-1-12 zoning. The other lots in the application would be zoned twenty thousand square foot minimum lot size by City policy according to Planning Department Staff.] From the above chart the total dwelling units would be the 58 proposed by Hedenskog and Cooper plus 22 on the remaining five parcels for a total of 80 dwelling units.

Eighty (80) dwellings on the subject property would add approximately 190 persons to the City population. That is less than 3.5% (0.0354) of existing households in the City and 190 persons equates to less than 3.1% (0.0314) of the City population at total maximum build out given all Residential, 12,000 square foot density. These are not great increases in existing conditions and even these high estimate increases would not cause a great impact on municipal services. This density is also not a high density for urban use.

g. Finding on this criterion:

The developer of the project will construct all streets and utilities necessary to develop the site. Richard Nored of HGE [Consulting Engineer for the City of Brookings] estimates costs provide utilities (sewer, water and storm drainage buried) will likely range from \$100 to \$150 per lineal foot. Regardless the cost, it is City policy the developer will be responsible for construction of required services to City standards.

12. Statement of the Criterion:

C. Documentation of impacts on existing streets within the annexation area and adjacent transportation facilities by future development of the area. The adequacy of the transportation facilities shall be considered in relation to annexation proposals.

a. Finding on this criterion:

Old County Road is the only existing street within the proposed annexation area and it is the only existing public street and right-of-way serving the subject properties. It is County Road # 776 which is 20 +/- feet wide, two lane, paved and striped, according to Mr. Crumley, Director of Curry County Road Department.

City staff advised applicants during the early stages of this application procedure a traffic impact analysis to determine impacts of the proposal and subsequent development on existing streets and adjacent transportation facilities would be necessary as this section requires. Applicants commissioned such a study be accomplished by the traffic engineering consulting firm of Hann Lee & Associates. Their report, "Old County Road Properties Rezone Traffic Impact Study", is attached as **Exhibit 5** to this application. Conclusions and Recommendations of that report are as follows:

[Note: ODOT = Oregon Department of Transportation,
v/c = volume to capacity ratio which is a measure of traffic impact on a road.]

Findings

- The Old County Road rezone properties are expected to generate 1,120 daily, 8 A.M. Peak hour (22 in, 66 out), and 118 P.M. Peak hour trips (75 in, 43 out) with the existing county zoning. With the proposed city R 12,000 rezoning, The Old County Road rezone properties are expected to generate 1,120 daily, 8 A.M. Peak hour (22 in, 66 out), and 118 P.M. peak hour trips (75 in, 43 out). With the proposed city SR 20,000 rezoning, the Old County Road rezone properties are expected to generate 670 daily, 53 A.M. Peak hour (13 in, 40 out), and 71 P.M. peak hour trips (45 in, 26 out).
- With the signalization and lane improvements identified in Section II, the US 101/Constitution Way intersection will operate within the maximum allowable standard of 0.80 in the 2025 Existing Zoning, 2025 Proposed R 12,000 and SR 20,000 zoning scenarios. ODOT is in the process of creating an improvement project at the US 101/Constitution Way intersection similar or identical to those improvements identified in Section II of this report.
- In comparing the v/c ratios between the R 12,000 and SR 20,000 zoning alternatives, there is essentially no difference. Both alternatives will have almost identical v/c ratio impacts to the 2025 traffic operations.
- The impacts of either R 12,000 or SR 20,000 rezone proposal is either equal or less than the impact of the existing Curry county zoning for the Old County Road properties.

Recommendations

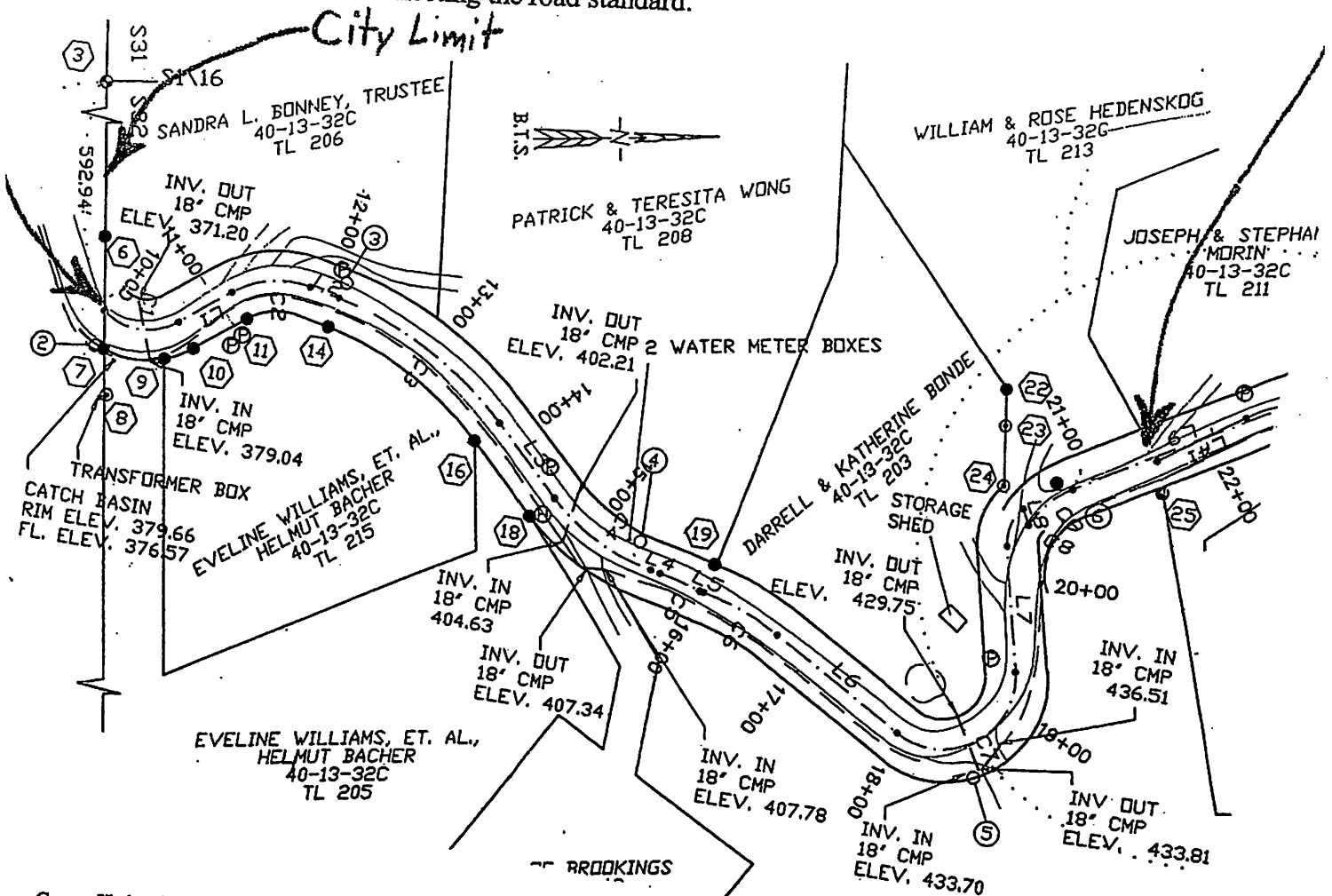
Based on the traffic impact analysis documented in this report and the assumption that ODOT improves the US 101/Constitution Way intersection in the near future to mitigate the below standard v/c ratio, the rezone proposal of the Old County Road properties should have not significant traffic impacts.

We conclude this report provides the required documentation of impacts and addresses the adequacy of the transportation facilities so that these matters may be considered in relation to this annexation proposal.

b. Finding on this criterion:

Planning Department staff advised applicants the road standard for Old County Road in this area of steep slope (over 15% slope) will be the same as applied recently to Pacific Terrace, a Planned Unit Development adjacent to the south within the City. That standard is twenty four feet of pavement with a paved four foot wide shoulder on one side (preferably the uphill side of the road). In way of addressing the adequacy of Old County Road in relationship to this annexation proposal, applicants commissioned the consulting engineering firm Don Hoag & Associates for analysis and sample improvements aimed at bringing the portion of that road proposed for annexation to City standards. Mr. Hoag found that utilizing precast 2' X 2' X 6' concrete blocks, concrete footings and standard design guard rails in various combination at different locations along that road will allow improvement of the road to the standard specified. [He also advises other alternatives for modifying the annexed portion of Old County Road to meet the standard may also be available and practicable.]

Engineer Hoag's analysis was accomplished on plan and profile as built drawings provided him by the Curry County Road Department. The portion of the road proposed for annexation is that extending from existing City Limit at Engineers Station 10+00 to the most northerly portion of the Hedenskog's TL 213 adjacent that road which occurs at approximately Engineers Station 21+50. Mr. Hoag analyzed the road at each engineers station along that distance (2,150 feet) and provided drawings at each of the twenty one stations demonstrating a method of bringing the road to the standard indicated above. A reduced (70%) copy of the plan view of that section of Old County Road appears below. Beginning on the following page are representative cross section modifications demonstrating a method of meeting the road standard.

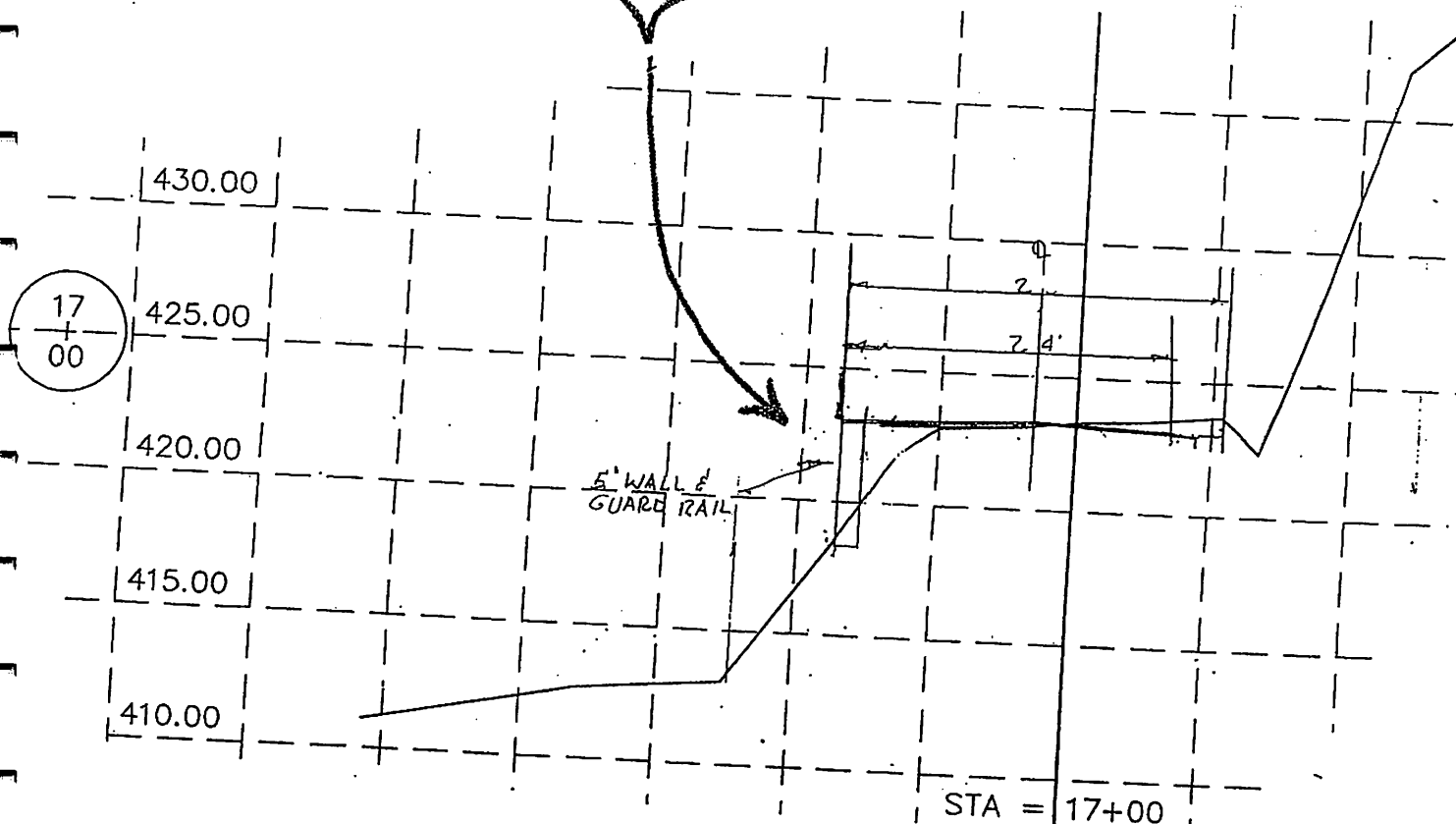


A few of the amendments to the cross sections (but not all 21 of them) are printed below for demonstration purposes. These are reduced for purposes of clarity and printing on this document size and are therefore to no known scale (although the reduction was to 70%).

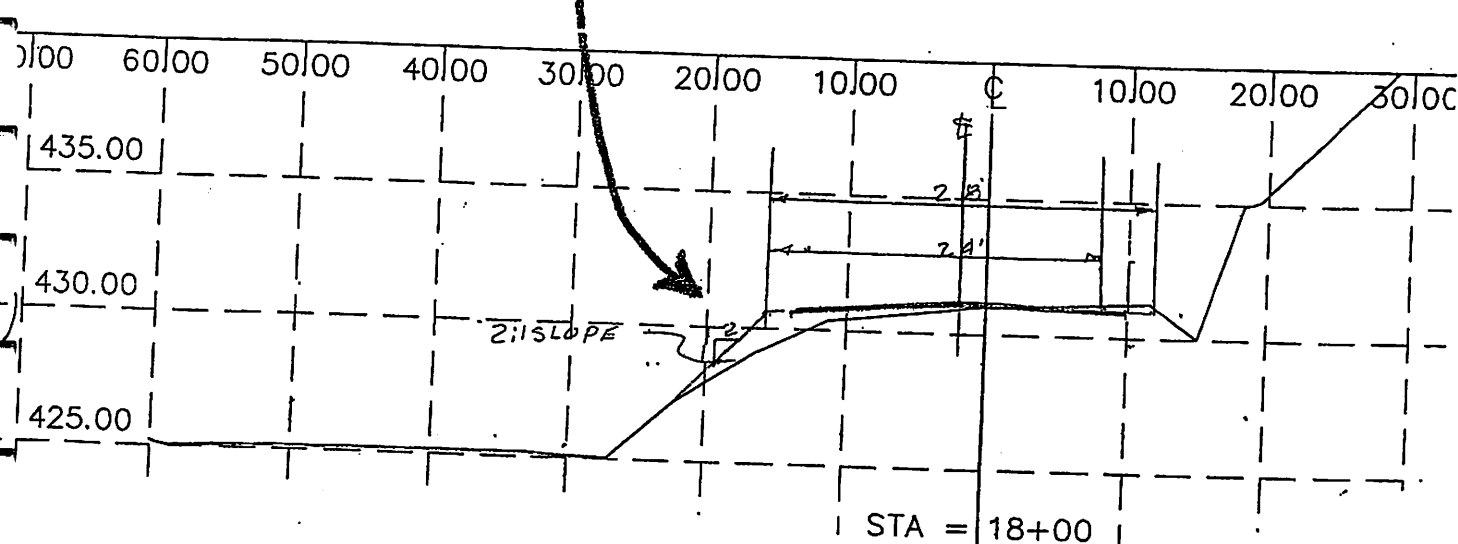
Potential Cross Section Amendments

For Instance:

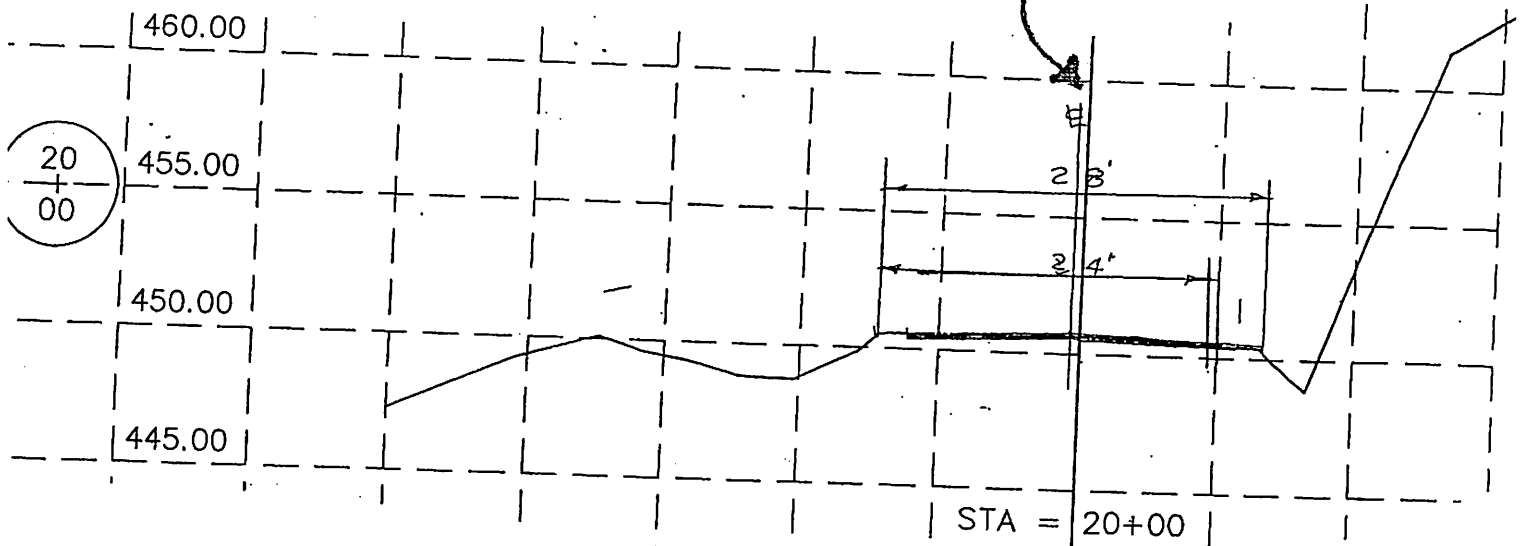
At Station 17+00 the addition of a 5' wall and guard rail with attendant compacted fill results in the necessary 24' plus 4' pavement width.



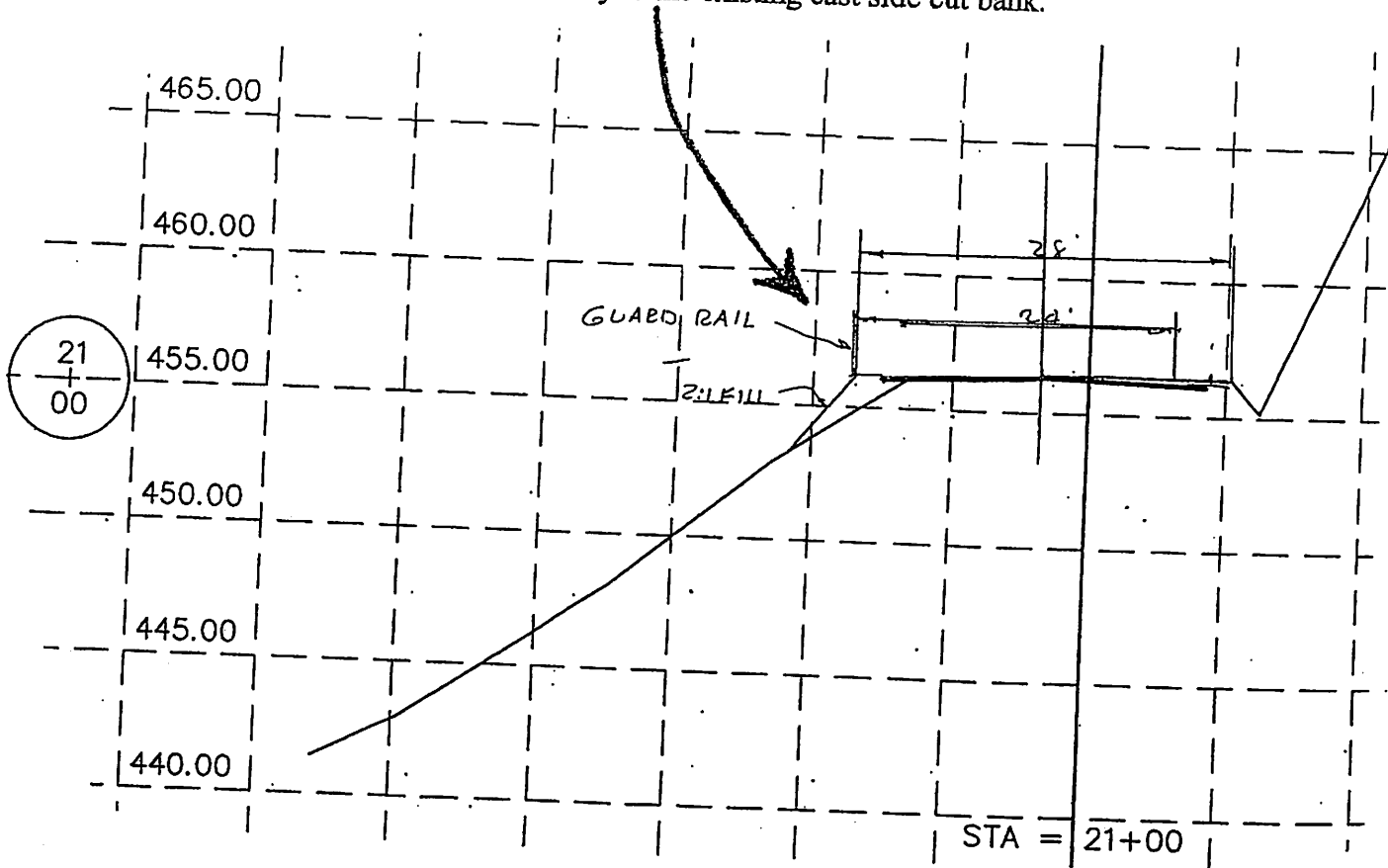
At Station 18+00 the addition of compacted fill, at a slope of 2 to 1, to the west side of the road is all that is required to allow twenty four foot wide driving surface with a four foot wide paved walk on the east side.



At Station 20+00 slight realignment of the road centerline westward approximately 1 foot allows the required 24' plus 4' paved surface with no amendment necessary to the existing east side cut bank.



At Station 21+00 the addition of compacted fill at a 2 to 1 slope and a guard rail together with realignment of the road centerline westward approximately 3' provide the required 24' plus 4' paved surface with again no amendment necessary to the existing east side cut bank.



We conclude engineer Hoag's analysis of the portion of Old County Road proposed for annexation addresses the adequacy of that transportation facility and provides a method of ensuring that road may be amended so as to meet the City standard.

13. Statement of the Criterion:

D. As development occurs within the annexed area new streets shall be constructed to the standards of the Brookings Transportation System Plan and Land Development Code. Existing streets within the annexed area shall remain in the county's jurisdiction until such time as they are improved to the city street standards.

a. Finding on this criterion:

This section is primarily instructive and informative. Upon annexation and subsequent application for development permits, the City will apply its street standards to land division and other actions. Applicant understands and is aware City street standards will apply to development permits.

14. Statement of the Criterion:

E. Documentation of the availability and adequacy to serve the proposed annexation with police, fire, parks, and school facilities and services.

a. Finding on this criterion:

The Brookings Comprehensive Plan, dated September, 1981, sets out identified needs for urban residential land. The Plan indicated at that time there was a need for 673 dwelling units within the Urban Growth Area; and, it projected a need for 545 acres of Buildable land north of the Chetco River. The subject property, along with neighboring land, was included within that Urban Growth Boundary to accommodate a portion of that identified need.

The Technical Memorandum "Brookings Urban Growth Boundary Needs Analysis" dated March 1995, by Cogan Owens Cogan, which was produced to review land and housing needs for the 1995 Urban Growth Boundary Amendment, projected a need for 662 acres of Residential vacant land north of the Chetco River by the year 2015 (Table 8). This request for annexation would provide 31.94 acres of that need [bear in mind 2 dwellings already exist on the subject]. This proposal will provide approximately five percent (.048) of the needed residential land to the year 2015. Therefore, this request constitutes only a small portion of the identified need for residential growth of the City north of the River as stipulated two decades ago in the Plan; and as confirmed by later study in 1995. We conclude the proposed annexation will add property to the city which is needed to provide an adequate supply of zoned lands for use as projected in the comprehensive plan.

b. Finding on this criterion:

Development of the site will require municipal police and fire protection. As reported earlier in this application, the July, 2005 population estimates for the City of Brookings as published by Portland State University Center for Population Research was 6,050 persons. Utilizing previous Census reported 2.38 persons per household estimates results in 2,542 households within the City. An addition potential high of 114 dwelling units would be an increase in the number of households in the City equivalent to 0.0448 or slightly under five percent of the existing number of units. A five percent increase in the number of dwelling units subject to police and fire coverage is not great; particularly so considering the Brookings Fire Department already serves the Brookings Rural Fire.

District (actually operates it by contract) which is a large area surrounding the City. The City already provides fire protection to the vicinity. The percentage of development the subject property would be of actual dwelling units presently served by the District and City combined is lowered to about two percent (.02).

15. Statement of the Criterion:

F. Improvements for needed infrastructure shall be secured by a funding mechanism that will place the economic burden on the territory proposed for annexation and not on the City of Brookings.

a. Finding on this criterion:

As indicated above, the Brookings Comprehensive Plan of 1981 set out identified needs for urban residential land at that time for 673 dwelling units within the Urban Growth Area and the subject property was included within that boundary to supply a portion of that need.

b. Finding on this criterion:

Since adoption of the Plan in 1981 there has been a major amendment to the Urban Growth Boundary. That amendment occurred in May 1995 after several years of study by the City and by outside consultants. The 1995 amendment to the boundary increased the size of the Urbanizable Area. The City and County prepared findings in support of the UGB which were in response to Periodic Review work tasks issued by LCDRC. Those remand findings also verified the need for increased urbanisable area. Throughout this past decade of study and then restudy of the Brookings Urban Growth Boundary there has been no question raised and no issue has developed over whether the subject property should remain within the Boundary and the urbanizable area. The later needs analysis indicating greater needs for all classes of urban land underscore and emphasize the original decision the subject property is urbanizable, is needed for urban development and should be developed under and to urban development standards once annexed to the City. The lower portion Old County Road is designated a "Collector" in the Transportation Systems Plan. We conclude the lands within the boundaries of the proposed annexation are demonstrated to meet identified needs for urbanization and/or transportation networks.

Municipal sewer and water will be required for development and, as indicated, these services are not presently available to the subject property. Sewer does not exist past City Limits in the area as yet and a water main is nearby. An additional water storage facility may be necessary. Sewer and water services will be extended by the applicant to serve the subject property at applicant's expense. Applicants are aware the expense for same may bring about reimbursement through LDO Section 172.065.

c. Finding on this criterion: Added Tax Revenue

The principal source of additional revenue to the City of Brookings will be property taxes. Assessor Maps for land in the vicinity assign Tax Rate Code 17-1 to residential areas in the City. We assume tax district 17-1 will be applied to the subject property upon annexation. The pamphlet "2003-04 Curry County Property Tax Rate Summary" reflects the following taxing authorities and rates.

TAX CODE AREA 17-7		TAX RATE	M5 RATE
School District 17-C	3.1897		
Education Service District	0.4351		
South West Oregon Community College	0.6889		
EDUCATION TOTAL		4.3137	4.3137
City of Brookings	3.6939		
Port of Brookings-Harbor	0.1292		
South Curry Cemetary District	0.0362		
Chetco Library District	0.4178		
Curry Co. 4H & Extension Service	0.1003		
Curry County General	0.5655		
Urban Renewal Plan	0.1967		
TOTAL GOVERNMENT		5.1396	5.1396
City of Brookings (not subject to Mes 5)	0.2482		0.2482
School 17c Bond	1.0341		1.0341
Curry Soil and Water Conservation	0		
TOTAL CODE RATE		9.6791	9.6791

By this comparison the total City tax rate in tax code area 17-1, which is the tax code area applied to property just across (south of) City Limit in the vicinity, is 3.9421 per thousand. This information provides base value for existing neighboring development.

The requested Residential zone allows a minimum lot size (density) of 12,000 square feet. "Ballpark" maximum density can be calculated by first accounting for approximately 20% of land area being utilized for streets and services; then calculating the number of lots possible from the remaining area. The calculation is: 31.94 ac X 43,560 = 1,391,306 sq.ft. - 20% (278,261) = 1,113,045 sq.ft. divided by 12,000 sq.ft. (per lot) = 93 dwelling units. This means of crude accounting for space occupied by roads and utilities (20% of area) may be over stated or higher than may actually occur in this terrain. This because although the property exhibits mostly mild slopes there may be terrain features which will warrant larger than minimum lot size lots. This particularly so if PUD or condominium approaches to development are utilized. As indicated above, a simple calculation based on overall acreage (31.94) divided by the proposed 12,000 square foot lot size yielded a possible 116 dwelling units. Although the exact number and layout of lots to be created on the subject property is presently not certain, applicant Cooper's preliminary plan indicates an anticipated development of fifty (50) units; and applicant Hedenskog's preliminary plan indicates an anticipated development of eight additional dwellings on individual lots. These two applicants together have 25.12 acres.

Currently the City derives no tax revenue from the subject property because the property is not within City Limits. According to information from the Curry County Assessor Department, the 2004 total tax rate for the City of Brookings in Tax Code Area 17-1 is \$3.9421 per \$1000 assessed value.

For purposes of providing a range of revenue benefit to the City, we assume both a minimum of 84 dwelling units and a maximum of 114 dwelling units in our tax revenue calculations. In order to expand the range of benefit, we calculate based on two separate average values, the first \$250,000 and the second value at \$350,000.

-- Development of 84 dwellings X \$250,000 (ave value) = \$ 21,000,000 X 3.9421/\$1000 (tax rate)
= \$82,784.10 tax revenue.

-- Development of 84 dwellings X \$350,000 (ave value) = \$ 29,400,000 X 3.9421/\$1000 (tax rate)
= \$115,897.74 tax revenue.

-- Development of 113 dwellings X \$250,000 (ave value) = \$ 28,250,000 X 3.9421/\$1000 (tax rate)
= \$111,364.33 tax revenue.

-- Development of 113 dwellings X \$350,000 (ave value) = \$ 39,550,000 X 3.9421/\$1000 (tax rate)
= \$155,910.06 tax revenue.

-- Therefore, approximately \$82,700 to \$155,910 per year of additional tax revenue would accrue the City if the subject property were developed to the estimated numbers of dwellings in this example.

d. Finding on this criterion: Added Utility Revenue

City staff estimates monthly utility bills within the neighborhoods probably average \$60 to \$80 per month. The following calculations provide an estimate of potential revenues from utility bill payments:

Subsequent subdivision and development of 84 dwellings would result in that many additional utility billings to produce revenue for the City. The revenue derived from \$60 per month utility bills for 84 dwellings would produce an additional \$60,488 per year to the City. [$\$60/\text{Mo} \times 12 \text{ mo} \times 84 \text{ dwell} = \$60,488$]. The revenue derived from \$80 per month utility bills for 84 dwellings would produce an additional \$80,640 per year to the City. [$\$80/\text{Mo} \times 12 \text{ mo} \times 84 \text{ dwell} = \$80,640$]. By these estimates, additional revenues to the City of between \$60,488 and \$80,640 would be available if 84 dwellings result from this proposal.

Assuming subsequent subdivision and development of 113 dwellings occurs after approval of this annexation request even greater revenues would accrue to the City. The revenue derived from \$60 average per month utility bills for 113 dwellings would produce an additional \$84,240 per year to the City. [$\$60/\text{Mo} \times 12 \text{ mo} \times 113 \text{ dwell} = \$81,360$]. The revenue derived from \$80 average per month utility bills for 113 dwellings would produce an additional \$108,480 per year to the City. [$\$80/\text{Mo} \times 12 \text{ mo} \times 113 \text{ dwell} = \$108,480$]. By these estimates, additional revenues to the City of between \$81,360 and \$108,480 would be available.

e. Finding on this criterion: Added In-Community Spending

New families occupying the residences will also contribute to the local economy through the purchase of goods and services from local businesses. Spending habits of individuals is a matter of conjecture, however, for the sake of discussion we assume here the average family of three will spend \$1500 per month or \$18,000 per year within this community for such living expense items as food, clothing, vehicle/transportation, and other similar category expenses. Assuming 84 dwellings have been developed, an additional \$18,000 per year will be spent by a family occupying one of those dwellings and an additional In-Community spending by 84 families will amount to \$1,512,000. [$\$1500/\text{mo} \times 12 = \$18,000/\text{yr} \times 84 \text{ dwell} = \$1,512,000$] In similar fashion, 113 families would be spending \$2,034,000 per year on living expenses withing the community of Brookings.

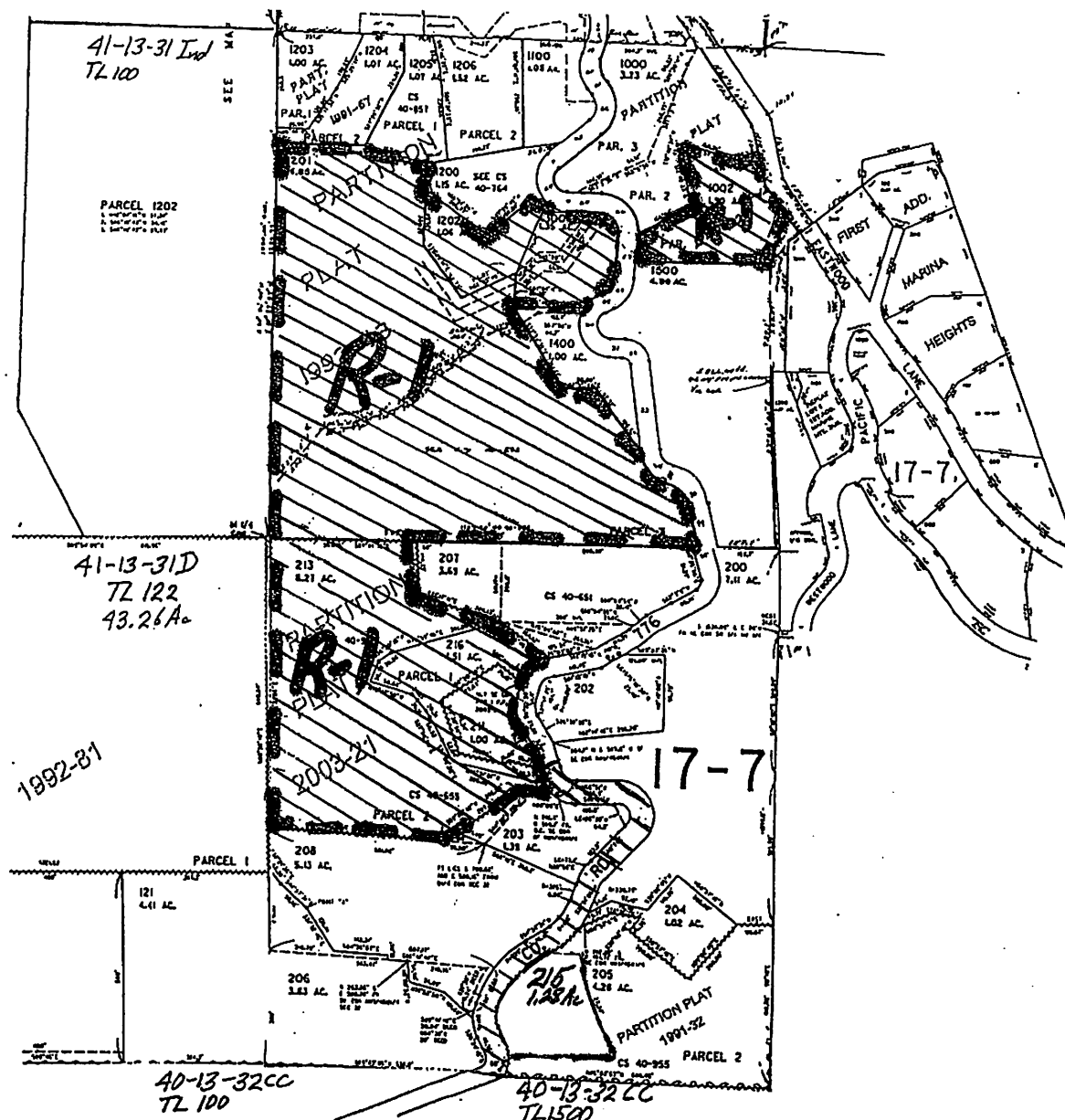
Therefore, given new families living in 84 to 113 new residences, an additional \$1,512,000 to \$2,034,000 consumer spending on living expenses per year would occur in the community by inhabitant families of those dwellings.

16. Statement of the Criterion:

A. A proposal for annexation shall include a request for a city zoning designation for territory proposed to be annexed which shall be considered at the time of the annexation proposal; however, the City Council will ultimately determine the zoning to be applied. The zoning designation of annexed territory shall be specified in the annexation ordinance and shall become effective upon acceptance of the annexation by the Secretary of State.

a. Finding on this criterion:

Applicant's request Residential R-1 zoning. The map below reflects this request.



b. Finding on this criterion:

The Urban Growth Boundary was first adopted in 1981; amended in 1995; and, acknowledgment by the Oregon Land Conservation and Development Commission after that Commission's action on the matter in May of 2001. The subject properties lie within that boundary and are therefore planned to be developed to urban standards and densities. Through mutual policy decisions which guide the implementation of the urban growth boundary, both the County and City, and now with renewed concurrence from LCDC through another acknowledgment, have set out their intent the subject property is best utilized for residential development to urban densities and standards. The subject is located within a neighborhood of probable continued medium income housing and the goal is to continue to provide for growth (additional land for development) in that sector as it is to provide growth in other sectors. This section requires "...a proposal for annexation shall include a request for a city zoning designation for territory proposed to be annexed which shall be considered at the time of the annexation proposal...". By inclusion of the above stated request for zoning, this criterion is met.

c. Finding on this criterion:

Goal 13 Policy 2 gives rational and states adopted City policy direction for the advent of more dense than suburban type development within the city and/or urban growth areas. It reads:

Goal 13 To conserve energy.

Policy 2. Brookings will encourage the infilling of undeveloped parcels of land within the City as well as the re-use of vacant land to the extent possible. The City will encourage land development practices which conserve energy as well as utilize renewable energy sources whenever possible. The City desires high density development to be located adjacent to major shopping areas and along major transportation routes, as appropriate.

Where it reads "...The City will encourage land development practices which conserve energy ... when-ever possible..." this Plan policy provides guidance for development to be as dense "when-ever possible" as a means of conserving energy. Application of the Residential R-1 zoning to portions of, or all of the subject property, will be more in keeping with this plan policy than would application of less dense zoning for the simple reason the more dense a neighborhood within a city the fewer total miles the inhabitants of that neighborhood would have to travel, and therefore the less fuel consumed, as opposed to that same number of residents inhabiting a larger, more spread out area having to travel greater distances in order to perform normal daily trips to shopping, school and other service access or similar trips. For instance, the accumulated mileage traveled to the intersection of Fifth Street and Highway 101 by the residents from lets say 100 dwellings dispersed over the subject 31+ acres would be less than the total accumulated mileage traveled to the intersection of Fifth Street and Highway 101 by the residents from the same 100 dwellings if those dwellings were dispersed over 100 acres spreading out further north along Old County Road. The more dense a development the more energy will be conserved as a result of less miles traveled per household. All of which translates into less energy consumption; whether the energy consumption results from engine operation time, manufacture of tires or vehicle repair parts, these factors will help bring about the desired savings of energy.

Where it reads "...The City desires high density development to be located adjacent to major shopping areas and along major transportation routes, as appropriate..." the policy is stating the City's desire for high density development (which for instance the SR-20 zone is not) along major roads and streets. The lower portion of Old County Road is a collector according to the TSP. It is

a "major transportation route". This policy is providing guidance for higher density along such routes.

The Oregon Statewide Planning Goals and Guidelines, Goal 13: Energy Conservation, Guidelines B. Implementation states in part: *"1. Land use plans should be based on utilization of the following techniques and implementation devices which can have a material impact on energy efficiency: a. Lot size, dimension, and siting controls... c. Density of uses, particularly those which relate to housing densities;..."* These goal implementation strategies are reflected in the Brookings Goal 13. They underscore the intent urban density should be developed so as to conserve energy.

d. Finding on this criterion:

Similar reasoning applies to how Goal 11 may be implemented and balanced against such concerns as potential hazards. Goal 11 states *"...To Plan and develop a timely, orderly and efficient arrangement of public facilities and services to provide a framework for urban and rural development..."* Simply stated it is highly likely, as well as probable, extension of sewer lines and water lines and extension of TV, telephone and electric lines (whether aerial or underground) will be more efficiently placed (more revenue resulting) if such lines traverse shorter distances in order to serve a densely developed area of a given number of dwellings than if the same number of dwellings are dispersed over a great area forcing extension of costly services over greater distances.

e. Finding on this criterion:

Section 100.020B. States in pertinent part *"...the Planning Commission shall review land use applications proposed within areas identified as having average slopes of greater than 15% grade..."* As witnessed on topographic maps submitted herewith, portions of the subject properties exhibit slopes of greater than 15%. This application for annexation is, pursuant to Section 148 to be reviewed by the Planning Commission in any event. However, Section 100.040A. Provides *"The city Manager or a qualified designee may require a site study by a certified engineering geologist, civil engineer registered in the State of Oregon and/or other qualified person prior to...the approval of a partition plat, subdivision plat, or conditional use permit, in areas containing...steep slopes..."*. In any event, it is probable a geologic review and report will be required at time of subdivision or partition plat and/or conditional use permit application.

Conclusion on this criterion:

We conclude adequate safe guards exist to address potential land hazard conditions so as to allow the safe application of the Residential R-1 zone as requested here. These safeguards occur first in the form of City requirement for review and report by an engineering geologist or civil engineer of potential hazards on land of 15% or greater slopes at time of land divisions under Section 100 of the Brookings Code; and, secondly via the concept of clustering inherent in Planned unit developments and dwelling groups, as permissible under Section 20.040 (Residential zone conditional uses) of the Brookings Code which permit clustering or concentration of development in areas of subject properties so as to avoid identified hazards, if need be, while at the same time allowing development to meet higher density standards preferred by the Comprehensive Plan.

Part 2. Policies of the Comprehensive Plan

1. Statement of the Criterion:

Goal 1: To provide a citizen involvement process that ensures the opportunity for citizens to be involved in all phases of the planning process.

a. Finding on this criterion:

The City has adopted as part of its Land Development Code a requirement that it notify property owners within 250 feet of a proposed action. Applicants are required to provide the City a list of owners of property within that distance. The map printed below shows the required 250' radius.

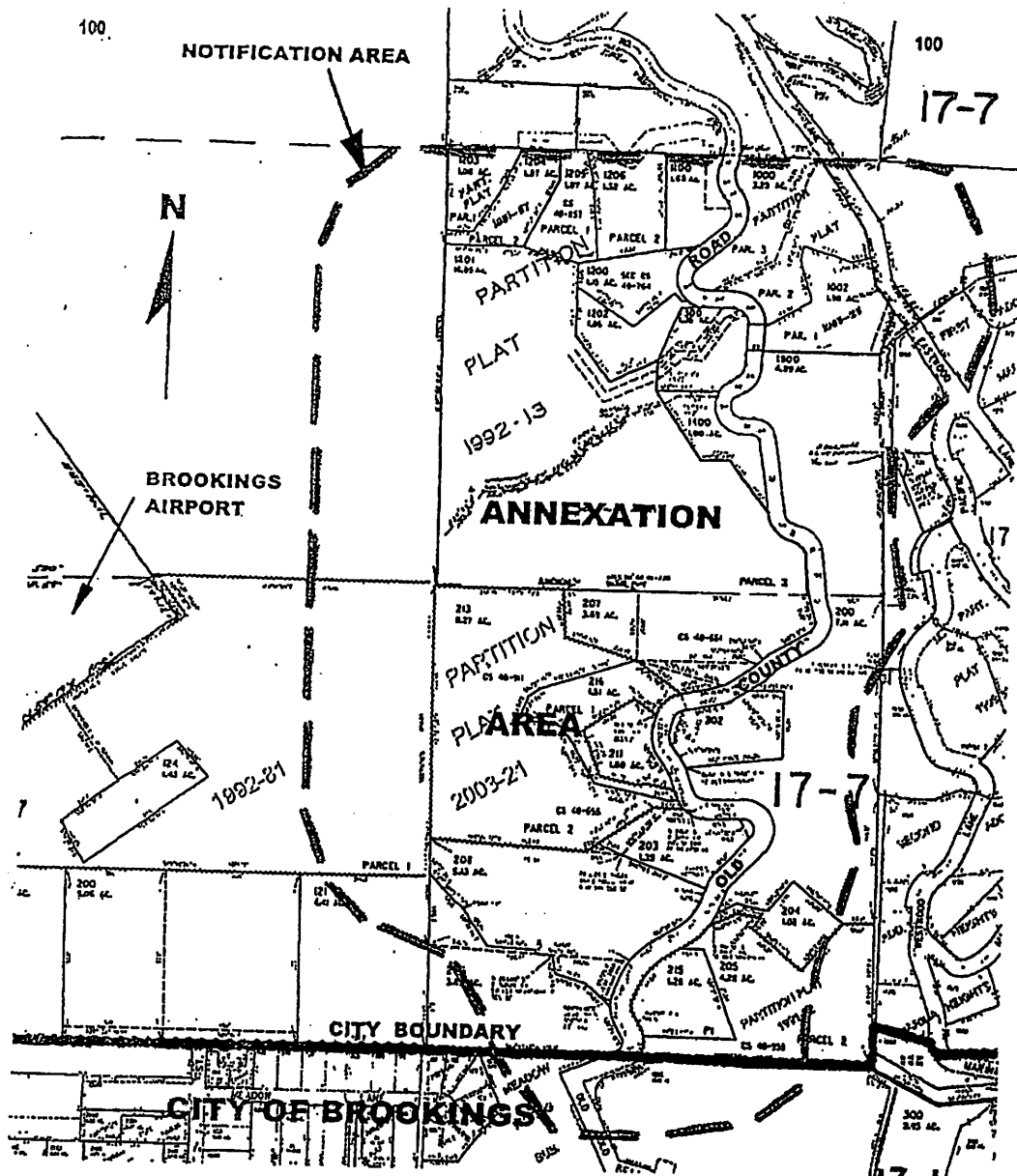


Figure 2 provides ownership information for all lots touched by or included within the 250 foot distance. This list was compiled from Curry County Assessment Department records of ownerships of all property within that 250 feet distance of the subject.

Figure 2 Owners of Property Within 250'

Assessor Map #	Tax Lot #	Name	Mailing Address
40-13-31 & Index	100	South Coast Lumber	P.O. Box 670 Brookings, OR 97415
40-13-31D	121	John & Teddy Ebinger, Et. Al.	James Ward Memorial Cemetery Assoc.
40-13-31D	122	Lawrence & Michelle Fallert	P.O. Box 1508 Brookings, OR 97415
40-13-32B	100	City of Brookings	898 Elk Dr. Brookings, OR 97415
40-13-32B	1000	Dan & Bobbie Aldinger	17130 Eastwood Ln. Brookings, OR 97415
40-13-32B	1002	Philip Heiss	96734 Demoss Rd. Brookings, OR 97415
40-13-32B	1100	Pat & Sandra Verdoorn	305 Cape Coral Ct. Roseville, CA 95747
40-13-32B	1200	Florencia Prieto	P.O. Box 4364 Brookings, OR 97415
40-13-32B	1201	KD Properties, Inc.	P.O. Box 30848 Albuquerque, NM 87190
40-13-32B	1202	Ralph & Jan Goble	29740 Creekbed Rd. Castaic, CA 91384
40-13-32B	1203	Raymond & Suzanne McMahon	569 Charro Way Nipomo, CA 93444
40-13-32B	1204	Bauhaus Properties	4035 Grass Valley Hwy. Auburn, CA 95603
40-13-32B	1205	Charles & Viola Williams	P.O. Box 6145 Brookings, OR 97415
40-13-32B	1206	Thomas & Sharon Peckinpah	P.O. Box 2137 Lakeside, AZ 85929
40-13-32B	1300	Minor & Sonia Chavez	851 Wadsworth Ave. Pismo Beach, CA 93449
40-13-32B	1400	William & Martha Turner	P.O. Box 7705 Brookings, OR 97415
40-13-32B	1500	Warren & Dolores Glaze	PMB #129 97666 N. Bank Chetco River Rd. Brookings, OR 97415

Figure 2 (continued)

40-13-32BD	1200	Warren & Dolores Glaze	PMB #129 97666 N. Bank Chetco River Rd. Brookings, OR 97415
40-13-32BD	1300	Dale & Patricia Woodward	P.O. Box 405 Brookings, OR 97415
40-13-32C	200	Claire Bonde	16941 Old County Road Brookings, OR 97415
40-13-32C	202	Philip & Clara Bonde	16935 Old County Road Brookings, OR 97415
40-13-32C	203	Christina Tydeman	16950 Old County Road Brookings, OR 97415
40-13-32C	204	City of Brookings	898 Elk Dr. Brookings, OR 97415
40-13-32C	205	Helmut Bacher, Trustee; Et. Al.	P.O. Box 6326 Brookings, OR 97415
40-13-32C	206	Sandra Bonney, Trustee	16900 Old County Road Brookings, OR 97415
40-13-32C	207	Mathew Ralston	16996 Old County Road Brookings, OR 97415
40-13-32C	208	Patrick & Teresita Wong	16920 Old County Road Brookings, OR 97415
40-13-32C	211	Joseph & Stephanie Morin	16966 Old County Road Brookings, OR 97415
40-13-32C	213	William & Rose Hedenskog	618 Ransom Ave. Brookings, OR 97415
40-13-32C	215	<i>George & Mable Oraiszus</i> Donis Tippets Builder, Inc.	P.O. Box 1000 1221 Brookings, OR 97415
40-13-32C	216	Peter & Lesli Bilodeau	16958 Old County Road Brookings, OR 97415
40-13-32CA	1300	Kurt Nachazel	605 Corte Kegalo Camarillo, CA 93010
40-13-32CC	100	Allen & Dona Olander	39748 Golfer Dr. Palmdale, CA 93557
40-13-32CC	1500	Bruce Brothers, LLC	P.O. Box 61 Brookings, OR 97415

b. Finding on this criterion:

By its adoption of Goal 1 the City determined that requiring applicants to provide lists of neighborhood property owners is an appropriate method of providing for and stimulating citizen involvement and participation in the land use hearing process. In this case the Land Development Code requires public hearing; an applicant must provide the names of property owners within the specified distance of the property to be annexed; and, the City provides notice of the hearing to those property owners. Surrounding property owners are therefore made aware, first hand, of the process and are thereby given opportunity to become informed and participate in the City's decision making process regarding this proposed annexation.

CONCLUSION ON GOAL 1:

The requirement to provide names and addresses of owners of property within two hundred fifty feet has been met. We conclude this application is in compliance with Goal 1.

2. Statement of the Criterion:

Goal 2: To establish a land use planning process framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions:

a. Finding on this criterion:

Goal 2 is broad instruction given cities and counties by the state as to how the land use process is designed. It sets general parameters for making decisions. The Brookings Comprehensive Plan and Land Development Code were developed and adopted over a long period of time with input from all sectors of the community. Those land use planning documents were developed as a result of the parameters set out in Goal 2 which provides an overview of the process of land use planning. Local Comprehensive Plans and Zoning Ordinances provide the specifics (the nitty-gritty if you will) of making individual land use decisions. A local government comprehensive plan is developed and adopted in response to Goal 2 and other Statewide Goals. A local zoning ordinance is developed and adopted in response to the local comprehensive plan. The zoning ordinance [in this City the Brookings Land Development Code] is the document which implements the decisions and policies affecting land use in the City as set forth in the Comprehensive Plan. Goal 2 does not apply directly to this application because it set forth basic parameters under which applicable Land Development Code criteria were developed. Through decision making based on the criteria of the Land Development Code, the City will ensure goal 2 parameters are carried forth.

3. Statement of the Criterion:

Goal 3: To cooperate with the County in the preservation and maintenance of agricultural lands: -and-

Goal 4: To support and cooperate with the County in its efforts to protect Forest Lands.

a. Finding on these Goals:

The subject property is not zoned as either agriculture or forest land. It is zoned as residential

land under Curry County Zoning Ordinance and Map. The Subject Property lies within the Brookings Urban Growth (UGB) as originally adopted. It lies within the UGB as amended in 1995. That amendment, which continued inclusion of the subject property within the UGB, was acknowledged by the Land Conservation and Development at its regular meeting in May, 2001. The Brookings Urban Growth Boundary includes all lands in the vicinity which have been considered for urbanization under the Goal 2 Exceptions criteria pursuant adopted Goal 14 findings. The County planned and zoned the subject property for residential use over two decades ago and that intended use remains the stated intent under the newly amended and acknowledged UGB. This application for annexation and City residential zoning will continue the intent of both the City and County to have the subject property developed as urban residential land.

CONCLUSION ON THESE GOALS:

Goals 3 and 4 do not apply to this application.

4. Statement of the Criterion:

Goal 5: To conserve open space and protect natural and scenic resources and historic areas while providing for the orderly growth and development of the City.

Policy 1. It is the policy of the City of Brookings to protect natural and scenic resources by encouraging the conservation of ecologically and scientifically significant natural areas, scenic views and sites, historic areas, local energy sources, and mineral and aggregate resources.

Policy 3. It is the policy of the City of Brookings to preserve forest and agricultural lands which serve as a valuable open space areas by focusing development within the City limits/ Urban Growth Boundary.

a. Finding on this criterion:

Implementation measure 3. states "Brookings will use the Curry County zoning ordinance and the Comprehensive Plan to implement those policies which apply to areas within the Urban Growth Boundary Area..."

According to the Curry County Zoning map the subject property lies within the Brookings UGB and is zoned Residential. All seven subject tax lots are zoned Residential R-2. The subject property is already slated for residential uses via County zoning although allowable density may differ under that ordinance from density which would be allowed upon annexation to Brookings and development under Brookings Land Development Code. Therefore, both City and County land use ordinances project and currently allow residential use for the subject and by annexing this property the City will be fulfilling the intent of the County Zoning Ordinance and Comprehensive Plan.

b. Finding on this criterion:

The Comprehensive Plan, Goal 5 Inventory does not identify any Goal 5 resources on the subject property. Additionally, policies 2 and 4 to Goal 5 do not apply because the subject property is not located within the Chetco River Estuary or the Harris Beach Bog.

As stated in Goal 5 Policy 3, the City intends to focus development within its Urban Growth Boundary and City Limits. The Subject property is currently located within the Urban Growth boundary. Given approval of this application for annexation to the City the Subject will be

developed to standards of the City's Land Development Code. Although the annexation of the subject property and subsequent development to City standards will in fact comply with and be in concert with the stated intent in Policy 3 to "focus development within its Urban Growth Boundary and City Limits", we conclude Goal 5 in the overall does not apply to this request for annexation because neither the City or County Comprehensive Plan Goal 5 Inventories identify any such resources on the Subject Property.

CONCLUSION ON THIS CRITERION:

Goals 5 does not apply to this application.

5. Statement of the Criterion:

"Goal 6: To maintain and improve the quality of the air (including the control of noise pollution), water and land resources of the Brookings area.

Policy 3. It is the policy of the City of Brookings to utilize programs to manage land conservation and development activities in a manner that reflects the desires of the community for a quality environment and a healthy economy and is consistent with environmental quality statutes, rules, standards and implementation plans."

a. Finding on this criterion:

Environmental quality statutes, rules, standards and implementation plans are applied to development through implementation of measures such as safety and sanitation criteria of the state plumbing and building codes and standards and practices of transportation network design. These criteria are a facet of the permitting process which is required for development and they will be applied to development of the subject property upon approval of annexation and subsequent application for land division and building permits through the City.

Applicants Cooper and Hedenskog and this Agent have discussed the topic of hookup to the City sewer and water systems on several occasions with City staff. Given approval of this annexation request, at least these applicants intend application for division of their property and development of permitted uses. To do so will require extension of the sewer main approximately 990 feet along Old County Road to the Hedenskog property and then over through and northerly into the other applicant properties. Water mains already exist in the R-o-W of Old County Road. Additional main line and storage are expected requirements for water service. Regardless the exact dimensions of sewer and water systems to be provided for such development; connecting new residential uses on the property to both municipal sewer and water systems will provide safe and sanitary systems and will protect the environment in a manner "consistent with environmental quality statutes, rules, standards and implementation plans".

CONCLUSION ON GOAL 6:

We conclude this proposal will be rendered consistent with environmental quality statutes, rules, standards and implementation plans through the development permitting process utilized by the City.

6. Statement of the Criterion:

"Goal 7: To protect life and property from natural disasters and hazards...

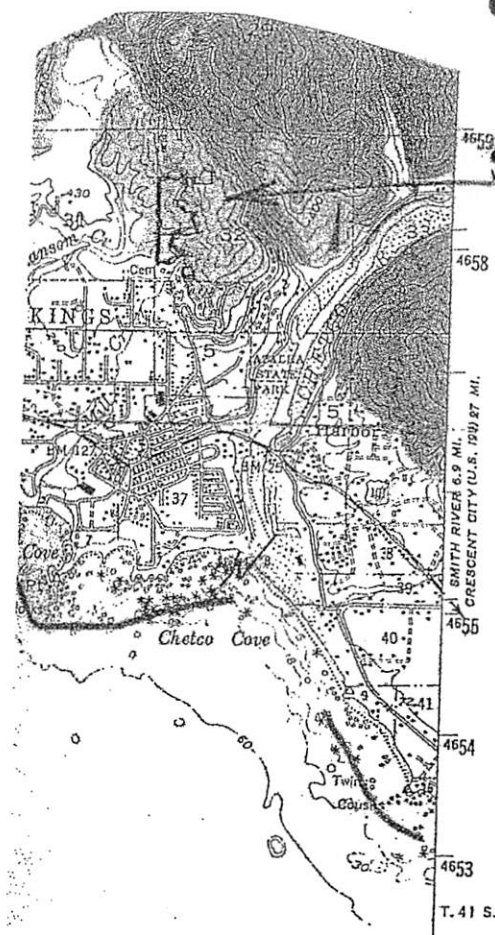
Policy 2. When development is planned in areas of identified hazards, the developer will be required to show that property development will not be endangered by the hazard and that appropriate safeguards will be taken..."

a. Finding on this criterion:

According to the Geologic Hazard Map of the Cape Ferrelo Quadrangle Oregon, published in Bulletin 90 Land-Use Geology of Western Curry County, Oregon 1976, the subject property is not located in an area of geologic hazard. That map shows the area of the subject is color coded for potential "Slope Erosion" and "Steep Slope" hazard. Explanations on this map do not indicate slopes for the subject properties, however, the topography maps included in this application by the applicants do. These maps indicate much of the subject property exceeds 15% slope. City ordinance provides review of slopes over 15%, therefore hazards will be addressed during permitting processes.

A copy of the appropriate portion of this map is reproduced below. [If reproduction of this application is by color printing, the color coding will not show.]

Geologic Hazard Map



Subject Property



Slope Erosion: Loss of soil material by moving water on slopes; favored by removal of vegetation, ground disturbance, sandy soil textures, lack of consolidation, slope gradient (see above), and slope length; removes valuable top soil and causes deposition downslope; may silt streams or adversely impact developments; wide variety of engineering and land-management techniques for control.

Mass Movement



Earthflow and Slump Topography: (areas less than 20 acres not shown) Moderately sloping terrain with irregularities of slope, drainage, or soil distribution; recent movement shown by tension cracks, bowed trees and others; most extensive in sheared bedrock areas; greatest activity where coastal retreat, stream-bank erosion, or steep-gradient streams remove material from the toe; hazards associated with inactive areas include variable foundation strength, caving in excavations, poor drainage, and others; development possible locally, but generally may reactivate or accelerate sliding; may also initiate sliding in previously stable areas.



Steep Slope Mass Movement: Areas subject to localized debris slide, debris flow, rockfall, or rock slide; specific locations a function of rock type and structure, soil properties and thickness, cover, root support, and others; common on steeply sloping very hard bedrock; mitigation may include structural solutions, drainage control, and appropriate land use and forest-management practices.

The geologic hazard of most concern throughout Curry County and the City of Brookings is that of Earthflow and Slump Topography. It is easy to understand why the concern for earthflow and slump topography is important to the City and the County by review of the description provided for that type of hazard on that hazard map. To repeat, it reads:

"Earthflow and Slump Topography: (areas less than 20 acres not shown) Moderately sloping terrain with irregularities of slope, drainage, or soil distributing: recent movement shown by tension cracks, bowed trees and others: most extensive in sheared bedrock areas: greatest activity where coastal retreat, stream-bank erosion, or steep-gradient streams remove material from the toe; hazards associated with inactive areas include variable foundation strength, caving in excavations, poor drainage, and others: development possible locally, but generally may reactivate or accelerate sliding; may also initiate sliding in previously stable areas."

The nearest occurrence of slump topography indicated on the Geologic Hazard map is approximately one mile or more distant to the north in the northerly portion of Section 29 and is located on the north side of a rather large ridge beyond Black Mound; and, a very small area along the western edge of the Dawson Tract north of Harris Beach adjacent the ocean approximately one and a half miles distant to the west. It is notable no indication of earthflow and slump topography appears on that Geologic Hazard map anywhere in the neighborhood of the subject property.

b. Finding on this criterion:

Preliminary review of topographic maps and on-site measurement of slope indicates the majority of the subject property exceeds 15% slope. Section 100 of the Brookings Development Code addresses potential hazardous conditions. That section requires areas in excess of 15% slope be subject to review by an engineering geologist when divisions of land are proposed. Given approval of this request for annexation, the intent of at least two applicants (Cooper and Hedenskog) is to continue with land division application. Because much of the slopes exceed 15%, the City may require review by a geologist at time of land use permit.

CONCLUSION ON GOAL 7:

We conclude annexing the subject site is in compliance with Goal 7.

7. Statement of the Criterion:

Goal 8: To satisfy the recreational needs of the citizens of the Brookings area, State and visitors.

Policy 1. It is the policy of the City of Brookings to encourage better utilization of existing recreational facilities and to plan for and develop new recreational facilities and opportunities.

Policy 2. The City of Brookings encourages the development of neighborhood parks to be coordinated with future expansion of residential areas.

a. Finding on this criterion:

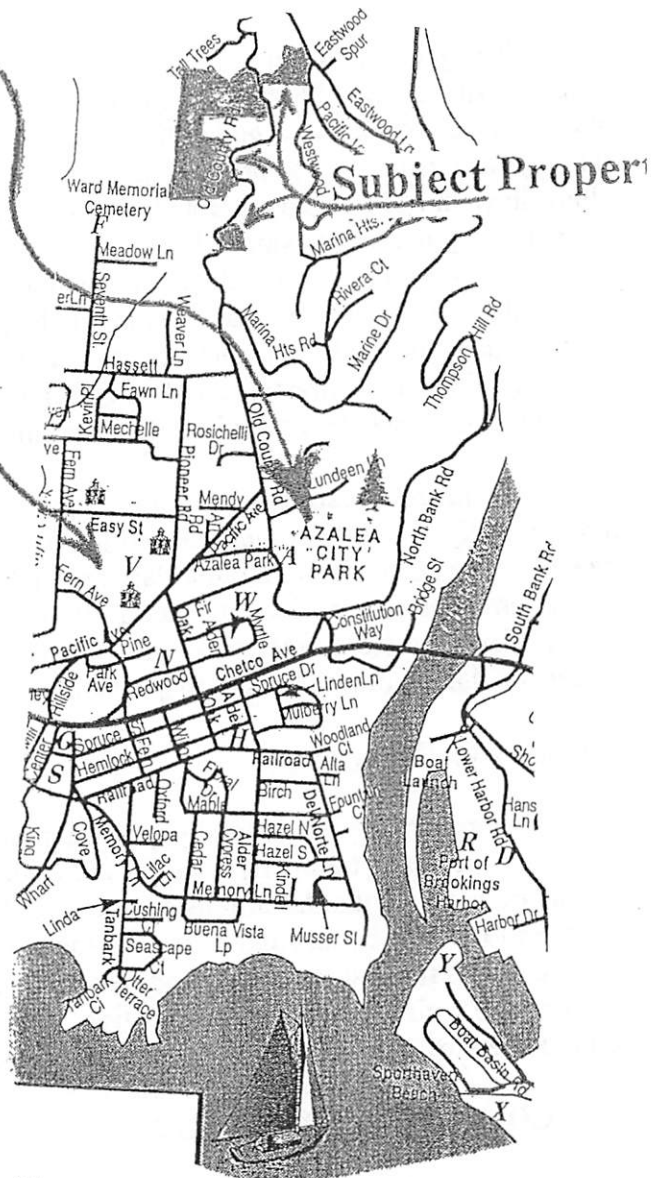
The Comprehensive Plan, Goal 8 Inventory identifies many recreational sites and facilities in Brookings and surrounding areas. With regard the Subject Property, notable among those identified is Azalea Park. Azalea Park has open and wooded areas, nature trails, Kid Town play structure, picnic areas and public restrooms band shell and other amenities.

Azalea Park is located southerly along Old County Road. Additionally, the facilities of public schools are located along Pioneer Road and Pacific Avenue.

Annexation and development of the subject property within the City limits encourages coordination between those recreational facilities and this proposal for future expansion of residential areas because the subject lies in close proximity to each. Development of additional residential area in close proximity to these two, existing recreational facilities will assist the City to better utilize these facilities and coordinate the use of those facilities with future residential areas as proposed here.

CONCLUSION ON GOAL 8:

We conclude annexation of the subject property would serve to encourage better utilization of existing recreational facilities. This proposed annexation is in accord with Goal 8.



8. Statement of the Criterion:

Goal 9: To diversify and improve the economy of the Brookings area.

Policy 2. The City of Brookings will encourage the diversification of the City and the regional economy. The City wishes to create new employment opportunities while sustaining and expanding existing economic sectors.

a. Finding on this criterion:

The findings provided under Goal 9 in the Comprehensive Plan indicate Brookings had a narrow economic base at the time the Plan was adopted. Finding one indicates as follows: "The economic base in the Brookings area is relatively narrow and mostly dependent on the timber industry. The lumber and wood products industry accounts for over 60% of the basic jobs in the County, and there has been a continuing decline in timber harvested in the County since 1959. When interest rates are low, as is still the case presently, money for the construction of new houses becomes relatively unavailable. This decrease in housing starts has a negative effect on lumbering activity in the area. As a result, Brookings can expect periods of time with high unemployment rates."

Economic conditions change from time to time and they have changed since the Plan was written. Current and past economic data indicate interest rates have both risen and fallen since then.

Interest rates have been relatively low for several years now and remain so at this time. Times have changed but still the concern voiced in the Plan remains valid. Encouragement of housing starts can have a positive effect on lumbering activity in the Brookings area.

b. Finding on this criterion:

Small area development will not solve the problem of a narrow economic base for the local economy pointed out in Article 9 of the Plan. Policy 2 of that Comprehensive Plan Article comes closest of all to addressing any economic impacts of small developments in residential areas such as may result from this proposed annexation. Where it indicates:

"The City of Brookings will encourage the diversification of the City and the regional economy..."

Policy 2 sets out the import of developments such as proposed here. Resulting land use permits and development will provide employment opportunities for those in the local home building and infrastructure construction industry; and, provide a boost to the local market through increased need for construction and building materials. Economic spin offs will accrue to other sectors of the local economy as well because increased spending by one sector manifests itself in increased spending by other economic sectors such as the service industries.

CONCLUSION ON GOAL 9:

We conclude this proposed annexation is in accord with Goal 9.

9. Statement of the Criterion:

Goal 10: Provision of varied housing which is safe, sanitary and adequate for all residents of the community.

Policy 1. City shall not unduly restrict land development thereby artificially inflating the cost of both new and existing housing, but rather provide land in suitable quantities and encourage the construction of new residential units to meet increased demand.

Policy 2. City shall provide for a variety of housing options and sites and plan for suitable locations. It is recognized the private sector will continue their leadership role in this function.

Policy 3. City shall advance where possible the evolution of safe and aesthetically pleasing residential neighborhoods that are efficiently integrated with business and commercial property, schools, parks, public facilities and other urban development.

a. Finding on this criterion:

The City, for many years, worked to adopt and later amend an urban growth boundary to guide its growth and development. The process of UGB amendment hit a milestone in 1995 when the amended Boundary was adopted. The process of gaining Acknowledgment of that amendment by the Oregon Land Conservation and Development culminated after that Commission's action on the matter in May of 2001. The subject property was in the original Urban Growth Boundary and remains within that recently acknowledged boundary. It is therefore in an area planned to be developed to urban standards and densities. Through mutual policy decisions which guide the implementation of the urban growth boundary, both the County and City, and now with renewed concurrence from LCDC through another acknowledgement, have set out there intent the subject property is best utilized for residential development to urban densities and standards. The subject is located within a neighborhood of probable continued medium income housing and the goal is to

continue to provide for growth (additional land for development) in that sector as it is to provide growth in other sectors.

The subject property is located adjacent an existing paved street in an older neighborhood where many but not all services are available. Water, power, telephone, cable TV and etc. are currently located and in use within the area. Water service lies adjacent and could be extended to serve the subject; and, sewer service, although not currently present on or adjacent the site, is nearby. Upon approval, this request for annexation will allow and encourage extension of municipal sewer service lines to proposed development and upgrading and extension of the municipal water system in the neighborhood. The extension of sewer and water service will allow more dense development in a sanitary fashion. Because it is located in close proximity to recreational and commercial services of the neighborhood and community, annexation of the subject property will assist the City in attaining its goal to provide for a variety of housing which is safe, sanitary and adequate for all residents of the community.

CONCLUSION ON GOAL 10:

We conclude this proposed annexation is in compliance with Goal 10.

10. Statement of the Criterion:

Goal 11: To Plan and develop a timely, orderly and efficient arrangement of public facilities and services to provide a framework for urban and rural development.

Public Works:

- A. Water treatment facilities will be maintained with the proper observation and planning to expand facilities on a timely basis to provide continued service to existing customers and projected growth.**
- B. Water distribution, pumping and storage construction will be constructed for new development by developers. The city council is presently reviewing methods of implementing a "pay as you go" development policy.**
- C. Wastewater treatment facility expansion programs will be funded through the most cost-effective methods utilizing all available federal, state and local funds.**
- D. All public works construction to serve newly developed areas will be on the "pay as you go" policy with developers designing and constructing new facilities in accordance with the city Standard Detail and Specifications adopted September, 1981**

a. Finding on this criterion:

The city "Standard Detail and Specifications" quoted in the Plan have, over time since adoption of the Plan, been updated and amended. According to City staff the current document is referred to as "General Engineering Requirements and Standard Specifications" and was adopted in August 1988 and updated August 1998. Those standards are applied to all development and will be applied to development which may result from this request for annexation. The framework of public facilities and services is guided by implementation of those standards through the land use permit process, including building, plumbing and electrical permits. In conjunction with long term land use decisions already made through residential zoning having been placed on the subject property; engineering standards and zoning together provide the framework for urban development of this property.

CONCLUSION ON GOAL 11:

This proposal for annexation is in accord with Goal 11.

11. Statement of the Criterion:

Goal 12 To provide and encourage a safe convenient and economic transportation system.

a. Finding on this criterion:

Goal 12 does not directly apply to this application and need not be specifically addressed here. This is because City design standards for roads and streets are long standing and apply to all new development. Standards for design and construction of streets and roads to serve new development, such as will result from approval of this annexation request, are contained in City ordinances which were adopted in response to the Comprehensive Plan. The act of the City adopting and now enforcing those standards implements the goal *"to provided and encourage a safe convenient and economic transportation system"*. Given approval of this request for annexation, a subsequent application for division and development of the subject property will be processed in accord with current City standards for streets and other public facilities.

CONCLUSION ON GOAL 12:

Future development of the subject property will become consistent with Goal 12 through implementation of the design standards previously adopted and contained in the Brookings Land Development Code.

12. Statement of the Criterion:

Goal 13 To conserve energy.

Policy 2. Brookings will encourage the infilling of undeveloped parcels of land within the City as well as the re-use of vacant land to the extent possible. The City will encourage land development practices which conserve energy as well as utilize renewable energy sources when-ever possible. The City desires high density development to be located adjacent to major shopping areas and along major transportation routes, as appropriate.

a. Finding on this criterion:

The major shopping area of the City is located along the corridor of Highway 101 as it traverses the City. Major shopping centers are also located in the Port of Brookings Harbor and along the Highway 101 corridor through the Community of Harbor. These shopping areas are all located within one to two miles of the subject property. Old County Road (the lower portion) is a Collector according to the Brookings Curry County Transportation System Plan. Highway 101 is the Arterial in Curry County. Such close proximity to the major shopping areas and major transportation route places the subject in a position which will assist the City in its desire to develop residential uses in close proximity to these features. The subject property is located within the Urban Growth Boundary.

b. Finding on this criterion:

The subject property is located approximately one mile from Highway 101, the major transportation route, The only Arterial, which traverses through the County and City. This drive should require two to five minutes. Therefore, annexation and subsequent development of the subject will result in short commute distances to this major traffic route. Similarly the close proximity of the subject to shopping, governmental and professional services, which are located along that route, tends to promote little travel in order for homeowners to travel to and from these services. Those services are less than two miles distant to the southwest of the subject along Highway 101 near the intersection of Fifth Street with that Arterial. The subject is within a few minutes of City parks and the public schools. All these locational factors will result in the desired situation whereby driving distances for normal family activities are kept short. Shorter travel distances between homes and schools, parks, government, professional and commercial services means less fuel consumed; less tire wear and etc. All of which translates into less energy consumption; whether the the energy consumption results from engine operation time, manufacture of tires or vehicle repair parts, these factors will help bring about the desired savings of energy.

CONCLUSION ON THIS CRITERION:

For the above stated reasons, annexation and subsequent development of the subject property is a development practice which will conserve energy.

13. Statement of the Criterion:

Goal 14 Urbanization to minimize the expansion of the urban service area outside of the city limits in order to provide for the efficient use of land, eliminate the unnecessary and uneconomical expansion of public facilities, and to conserve agricultural and forest lands outside of the City.

Policy 1. City shall maintain the livability of Brookings while providing appropriate land-use designation and adequate areas to accommodate expected growth.

Policy 2. City shall encourage the orderly outward growth of the community in order to maintain costs of construction, maintenance, and extension of streets, utilities and public facilities at the lowest level possible.

Policy 3. City shall annex lands that are contiguous to the City limits and continue to extend City services only to areas within the corporate limits. City shall continue to honor present agreement for provision of public services in areas presently outside the corporate limits.

a. Finding on this criterion:

Based upon data included in the comprehensive plan and more recent data included in the amended urban growth boundary background documents, the City of Brookings and Curry County long ago decided the subject property was needed for urban growth of the City and have maintained that conclusion and circumstance to the present. The subject property was included within the urban growth boundary when the Brookings Comprehensive Plan was adopted in September, 1981. The subject property lies within the urban growth boundary amendments adopted by the City Council and Board of Commissioners on April 20, 1995. The subject property remains in the urban growth boundary at present and there was no challenge to its urbanizable status throughout the process of the boundary amendment through Periodic Review procedure. The amended Urban Growth Boundary has been Acknowledged by LCDC. The subject is and has been in the urban growth boundary and

has been Acknowledged by LCDC. The subject is and has been in the urban growth boundary and has been planned and zoned for urban residential development since the Plan was adopted. Therefore, the County has provided appropriate land-use designation for urban use; and, annexation of the subject property will assist in the stated desire to provide adequate areas to accommodate expected growth.

b. Finding on this criterion:

As demonstrated by the mapping contained in this application, the subject property is located not far from the City Limit. The Subject property extends north to include portions of Old County Road. Old County Road is contiguous to and continues through the City. Annexation of the subject property will constitute the orderly outward growth of the City because the subject lies within the urban growth boundary. This annexation request is a reasonable approach to City growth because it will allow the extension of sewer service to urbanisable property and may allow looping sewer and water systems with existing services in this area. The process of growth and urbanization will, over time be stimulated by the construction of Sewer and Water mains which will be required. Provision of these services along Old County Road will, over time, prove an incentive for further urbanization as is projected for this area in the Comprehensive Plan and Plan Map.

c. Finding on this criterion:

As demonstrated on the Zoning Map the subject property lies contiguous with the City Limit. The stated policy is to not extend City services until land is annexed within the corporate limits of the City. Since most urban services are present in the area, as it applies to this neighborhood the policy is referring mainly to municipal sewer service. Upon annexation, extension of City sewer service presently existing along Old County Road through this neighborhood could then occur to the subject (in accord with the stated desire to extend City services only to areas within the corporate limits) which would allow full urban density as planned.

CONCLUSION ON GOAL 14:

We conclude annexation of the subject property is in accord with policies of Goal 14. This request for annexation is reasonable.

14. Statement of the Criterion:

Goal 16 Estuarine Resources To recognize and protect the unique environmental, economic and social values of the Chetco River Estuary and its wetlands.

Goal To protect, maintain, and where appropriate restore or develop the long term environmental, economic, and social values, diversity and benefits of the Chetco River Estuary.

a. Finding on this criterion:

The Subject property is located at least a mile as the crow flies from the Chetco estuary. Runoff from precipitation received on the subject property will drain to the Pacific Ocean along the small natural drainage which runs southwesterly from the property west from Old County Road and mostly into and through the Ransom Creek drainage. That drainage reaches the Ocean approximately two miles south, southwest of the subject. Therefore, development of the subject property will not significantly impact the Chetco estuary.

CONCLUSION ON GOAL 16:

Goal 16 does not apply to this application.

15. Statement of the Criterion:

Goal 17 Coastal Shorelands

Goal 18 Beaches and Dunes

a. Finding on these criteria:

The subject property is located one and a half miles at least from any Ocean shoreland and on the north extremities of the City as demonstrated by maps included in this report. The City lies between the subject and the ocean shoreland and resources.

b. Finding on this criterion:

The subject property is located on the north extremities of the City. It is at least one and a half mile distant from any Ocean beach or dune. That separation distance and intervening space is occupied by high density urban level development.

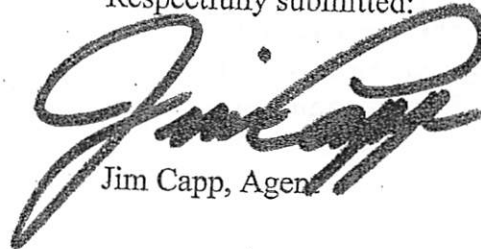
CONCLUSION ON GOALS 17 & 18:

Goals 17 & 18 do not apply to this application and are not addressed here.

CONCLUSION:

Applicants request Annexation of the subject property. As indicated herein this request has been demonstrated to be consistent with and to comply with provisions of the Brookings Land Development Code and Comprehensive Plan which regulate annexations. This annexation will provide the initial step in bringing about the intent of the Comprehensive Plan and Urban Growth Boundary for this portion of the Brookings Community.

Respectfully submitted:



Jim Capp, Agent

Addendum To
ANNEXATION REQUEST, BROOKINGS File AN-05.

ANX-1-05

APPLICANTS:

Cooper, Heddenskog, Heiss, Goble, Chavez, Morin and Bilodeau
(Gary Cooper and Ron Hedenskog Principal Participants)

AGENT: **Jim Capp**
 Western Land Use Services
 PO Box 2937, Harbor OR. 97415
 541-469-9587

SUBJECT PROPERTY:

**Tax Lots 1002, 1201, 1202 and 1300 of Map 40-13-32B
and Tax Lots 211, 213 and 216 of Map 40-13-32C
together with approximately 1.14 acres of Old County Road Right-of-Way.**

PURPOSE:

This Addendum to the application for annexation (City file #AN-0-05) is provided pursuant City of Brookings staff and applicant conference meeting conducted by the City November 29, 2005. In attendance at that meeting were; Applicant's Gary and Lesa Cooper and Ron Hedenskog and their Agent, Jim Capp, Brookings Planning Director John Bischoff, Deputy City Planner Diane Snow, Community Development Director Ed Wait, Public works Director John Cowan and Curry County Road Master, Dan Crumley. The request of City and County staff was to provide additional road improvement suggestions from the project engineer for that portion of old County Road extending northerly from the Hedenskog property (at engineers station 22+00 to Mr. Bischoff indicated written review of the engineers suggestions to show improvements to that stretch of Old County Road which would bring the road up to hillside road standards as applied to neighboring development within the City (Pacific Terrace PUD). The required standard in that instance, and equally to this proposal, is a 24' wide driving surface with additional 4' paved walkway on one side. The walkway to be preferably on the uphill (easterly) side of the roadway.

Documentation of the impacts to traffic which were included as Exhibit 5 and as summarized in the application continue and remain valid for the portion of Old County Road reviewed here.

Therefore, the following additional engineers review of potential road amendments is provided. [These suggestions are similar in concept to those provided within the original application for that portion of Old County Road proposed to be annexed (station 10+00 to 21+50).]

The criterion under which this extended review of potential road improvements is provided is as repeated below:

C. Documentation of impacts on existing streets within the annexation area and adjacent transportation facilities by future development of the area. The adequacy of the transportation facilities shall be considered in relation to annexation proposals.

Addendum #2 To
ANNEXATION REQUEST, BROOKINGS File AN-05.

ANX-1-06

APPLICANTS:

Cooper, Heddenskog, Heiss, Goble, Chavez, Morin and Bilodeau
(Gary Cooper and Ron Heddenskog Principal Participants)

AGENT: Jim Capp
Western Land Use Services
PO Box 2937, Harbor OR. 97415
541-469-9587

SUBJECT PROPERTY:

Tax Lots 1002, 1201, 1202 and 1300 of Map 40-13-32B
and Tax Lots 211, 213 and 216 of Map 40-13-32C
together with approximately 1.14 acres of Old County Road Right-of-Way.

PURPOSE:

This Addendum #2 to the application for annexation (City file #AN-0-05) is provided pursuant discussions with City of Brookings staff. The request of City and County staff was to provide additional information regarding potential impact to schools resulting from the requested annexation. The required standard is as follows:

14. Statement of the Criterion:

E. Documentation of the availability and adequacy to serve the proposed annexation with police, fire, parks, and school facilities and services.

a. Finding on this criterion:

The Brookings Comprehensive Plan, dated September, 1981, sets out identified needs for urban residential land. The Plan indicated at that time there was a need for 673 dwelling units within the Urban Growth Area; and, it projected a need for 545 acres of Buildable land north of the Chetco River. The subject property, along with neighboring land, was included within that Urban Growth Boundary to accommodate a portion of that identified need.

The Technical Memorandum "Brookings Urban Growth Boundary Needs Analysis" dated March 1995, by Cogan Owens Cogan, which was produced to review land and housing needs for the 1995 Urban Growth Boundary Amendment, projected a need for 662 acres of Residential vacant land north of the Chetco River by the year 2015 (Table 8). This request for annexation would provide 31.94 acres of that need [bear in mind 2 dwellings already exist on the subject]. Commensurately, this proposal will provide approximately five percent (.048) of the needed residential land to the year 2015. Therefore, this request constitutes only a small portion of the identified need for residential growth of the City north of the River as stipulated two decades ago in

the Plan; and as confirmed by later study in 1995. The proposed annexation will add property to the city which was judged to be needed to provide an adequate supply of zoned lands for residential uses as projected in the comprehensive plan. Because the subject property was included in the urban growth boundary, the impact of this request for annexation on schools (and other facilities and services as well) has already be assessed and judged to be an appropriate and acceptable impact within the concept of planned growth for the community of Brookings. Therefore, because this proposed annexation would provide (add to the City) only five percent of the need for additional land area north of the Chetco River, its impact on schools (as well as other facilities and services) would be relatively small; and, that need has already been anticipated and taken into account through the long range planning efforts which resulted in adoption of the Urban Growth Boundary.

b. Finding on this criterion:

Annexation of the subject 31.94 acres will not itself result in any impact on schools. Impact in the form of some number of additional students may only occur after land division and subsequent building permits for residential uses have been issued; dwellings have been constructed; and, families have occupied the dwellings.

July, 2005 population estimates for the City of Brookings as published by Portland State University Center for Population Research, were 6,050 persons. Utilizing previous Census reported 2.38 persons per household estimates yeilds 2,542 households within the City. Assuming an addition potential high of 114 dwelling units would result in an increase in the number of households in the City equivalent to 0.0448 or slightly under five percent of the existing number of units. A five percent increase in the number of dwelling units added to this school coverage area is not great. The impact on schools is likely even less than that. The percentage of school age persons within a potential 114 additional dwelling units is not known at this time. It is not likely all households will be the same and it is difficult to predict the number of student aged persons for a development. Various other scenarios are possible if we consider the following:

Assumption: one school age person per dwelling unit results in 114 additional students at full potential buildout.

Assumption: two parent household within that mix and that all of the remaining persons included in the 2.38 persons per household reported by the census are school age would result in an additional 43 students ($114 \times 0.38 = 43.32$ persons).

Assumption: that 50% of added households would have no school age occupants results in the following review. $114 \text{ households divided by } 2 = 57 \text{ households}$

Assumption: that all households are two parent households and 50% of added households would have no school age occupants results in the following review. $114 \text{ households divided by } 2 = 57 \text{ households} \times 0.38 \text{ students per household} = 21 \text{ students.}$

It is likely the number of students added to the school system at full buildout would fall somewhere within the range reported hear.

The reimbursement of funds shall be for all funds expended by Hedenskog and Cooper in connection with annexation; an itemization for such expenditures shall be provided upon request of any person committed to pay reimbursement hereunder.

Gary R Cooper 4/11/05
GARY COOPER Date
40-13-32b,1201

Leslie Cooper 4/11/05
LESA COOPER Date

Ron Hedenskog 4-11-05
RON HEDENSKOG Date
40-13-32c, 213

Rose Hedenskog 4/11/05
ROSE HEDENSKOG Date

PHILLIP C. HEISS Date
40-13-32b, 1002

DENNIS TIPPITTS Date
40-13-32c, 215

THOMAS PECKINPAUGH Date
40-13-32b, 1206

SHARON PECKINPAUGH Date

RALPH GOBLE Date
40-13-32b, 1202

JAN GOBLE Date

MINOR CHAVEZ Date
40-13-32b, 1300

SONIA CHAVEZ Date

Joe Morin 4-11-05
JOE MORIN Date
40-13-32c, 213

Stephanie Morin 4-11-05
STEPHANIE MORIN Date

The reimbursement of funds shall be for all funds expended by Hedenskog and Cooper in connection with annexation; an itemization for such expenditures shall be provided upon request of any person committed to pay reimbursement hereunder.

GARY COOPER Date
40-13-32b, 1201

LESA COOPER Date

RON HEDENSKOG Date
40-13-32c, 213

ROSE HEDENSKOG Date

PHILLIP C. HEISS Date
40-13-32b, 1002

DENNIS TIPPITTS Date
40-13-32c, 215

PAT VERDOORN Date
40-13-32b, 1100

SANDRA VERDOORN Date

THOMAS PECKINPAUGH Date
40-13-32b, 1206

SHARON PECKINPAUGH Date

RALPH GOBLE Date
40-13-32b, 1202

JAN GOBLE Date

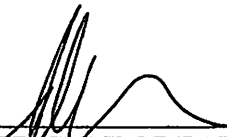
MINOR CHAVEZ Date
40-13-32b, 1300

SONIA CHAVEZ Date

JOE MORIN Date
40-13-32c, 213

STEPHANIE MORIN Date

The reimbursement of funds shall be for all funds expended by Hedenskog and Cooper in connection with annexation; an itemization for such expenditures shall be provided upon request of any person committed to pay reimbursement hereunder.



PETER G. BILODEAU
40-13432c, 216

4-25-06

Date

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

In the Matter of an Ordinance amending)
the city limits and zoning map of the City)
of Brookings by annexing 33± acres)
consisting of seven tax lots and designating)
the area Residential and applying the)
R-1-12 (Single Family Residential, 12,000)
sq. ft. minimum lot size) on that certain)
property described below.)

ORDINANCE No. 06-O-573

Sections:

Introduction.

Section 1. Declaration of Annexation.

**Section 2. Declaration of withdrawal from the Brookings Rural
Fire Protection District.**

Section 3. Uncollected Taxes.

Section 4. Submittal to Secretary of State.

Section 5. Rezoning.

WHEREAS, property owners have petitioned the City of Brookings for annexation of the real property described in Exhibit "A" and depicted on map Exhibit "B" attached hereto, and that said territory is contiguous to exiting city limits pursuant to ORS 222.111; and

WHEREAS, written consent petitions for the annexation of the above referenced territory have been filed with the City of Brookings which consents represent over a majority of the electors registered in the territory proposed to be annexed and the owners of more than half of the land in that territory, pursuant to ORS 222.170(2); and

THE CITY OF BROOKINGS ORDAINS AS FOLLOWS:

Section 1. Declaration of Annexation. That the property in the territory described in Exhibit "A" and depicted on map Exhibit "B",

attached hereto and by this reference made a part hereof, which said real property is situated in Curry County, Oregon, and is contiguous to the City of Brookings and the subject property, be, and the same hereby is annexed to the City of Brookings.

Section 2. Declaration of Withdrawal from Suburban Rural Fire Protection District. That the property described in Exhibit "A" and depicted on map Exhibit "B" attached hereto is hereby withdrawn from the Brookings Rural Fire Protection District upon the annexation of the aforementioned property to the City of Brookings.

Section 3. Uncollected Taxes. That all uncollected taxes therefore levied by such district shall become the property of the City of Brookings and be delivered to it upon collection.

Section 4. Submittal to Secretary of State. That the City Recorder be, and is, authorized and directed to make and submit to the Secretary of State a copy of this ordinance, and a copy of the statement of consent of all the land owners of said real property heretofore filed with him.

Section 5. Rezoning. Concurrent with the annexation, the property described in Exhibit "A" and depicted on map Exhibit "B" attached hereto is hereby rezoned from Residential Two Curry County zoning classification to the R-1-12 (Single Family Residential, 12,000 sq. ft. minimum lot size) City of Brookings zoning classification.

First Reading:

Second Reading:

Passage:

Effective Date:

Signed by me in authentication of its passage this _____ day
of _____, 2006

ATTEST:

Pat Sherman,
Mayor

Paul Hughes,
Finance Director/Recorder

EXHIBIT A

Beginning at the southwest corner of that Parcel 2, Partition Plat No. 1991-32 Plat of records of Curry County, Oregon, said point being on the Easterly right-of-way of County Rd. #776 (Old County Road) and located N 89° 03' 53" W, 688.05 feet from the Southeast corner of the Northwest one quarter (NW ¼) of the Southwest one quarter (SW ¼) of Section 32, Township 40 South, Range 13 West of the Willamette Meridian, Curry County, Oregon; Thence N 89° 43' 05" W 60 feet more or less to the Westerly right-of-way of said County Rd. #776; Thence northerly along the Westerly right-of-way line of said road to the Southeasterly most corner of that Parcel 2 Partition Plat 2003-21 Plat of records of Curry County Oregon. and located N 741.4' and W 569.1 from B.C. Southeast Corner of the Northwest ¼ of the Southwest ¼, Section 32; Thence S 88° 05' 00" W, 98.38 feet; Thence S 59° 22' 42" W, 246.66 feet; Thence N 84° 26' 52" W 469.98 feet; Thence N 01° 21' 56" E, 757.59 feet; Thence N 00° 55' 57" W, 1329.74 feet; Thence S 89° 44' 45" E, 230.00 feet; Thence S 75° 40' 52", 167.45 feet; Thence S 01° 15' 00" E, 68.65 feet; Thence S 55° 51' 24" E, 206.77 feet; Thence N 47° 55' 45" E, 158.08 feet; Thence S 42° 04' 15" E, 37.34 feet; Thence N 86° 19' 43" E, 34.18 feet to the Westerly right-of-way of said County Road #776; Thence southerly and easterly along said right-of-way to a point directly West of the Northwesterly most corner of that Parcel 1 of Partition Plat 1996-28, Plat of records Curry County Oregon; Thence East 50 feet more or less to the Northwesterly most corner of said Parcel 1, Partition Plat 1996-28; Thence N 59° 04' 21" E, 106.94 feet; Thence N 17° 48' 23" W, 129.09 feet; Thence N 12° 42' 34" E, 43.18 feet; Thence S 72° 57' 31" E, 150.21 feet; Thence N 76° 44' 26" E, 59.33 feet to the point on the Westerly right-of-way of County Rd. #778.3 (Eastwood Lane); Thence southerly along said right-of-way to the southeasterly most corner of said Parcel 1, Partition Plat 1996-28; Thence S 16° 57' 42" W, 136.37 feet; Thence West 371.45 feet more or less to the Westerly right-of-way of said County Rd. #776; Thence Southerly along the said right-of-way to the southeast corner of that parcel of land described in a deed of record recorded as Instrument No. 2004-6962, Curry County, Oregon ; Thence S 88° 55' 49" E, 201.31 feet; Thence S 33° 34' 39" E, 251.61 feet; Thence N 88° 55' 44" E, 80.00 feet; Thence S 46° 40' 01" E, 97.32 feet; Thence S 36° 13' 29" E, 106.62 feet to the westerly right-of-way of said County Rd. #776; Thence southerly along said right-of-way to the Southeast corner of Parcel 3, Partition Plat No. 1992-13, Plat of records Curry County Oregon; Thence S 89° 37' 25" W, 735.30 feet; Thence S 04° 23' 28" E, 144.33 feet; Thence S 71° 17' 11" E, 228.13 feet; Thence S 50° 46' 45" E, 164.82 feet to a point on the Westerly right-of-way of said County Road #776; Thence southerly along said right-of-way to the Northeasterly most corner of Parcel 2, Partition Plat No. 2003-21, Plat of records Curry County Oregon; Thence Northeasterly, perpendicular to said right-of-way 50 feet, more or less, to the easterly right-of-way of said County Road #776; Thence southerly along said Easterly right-of-way to the point of beginning. Containing 33± acres.

EXHIBIT B

