

VAULT COPY

# Agenda

City of Brookings  
Common Council Meeting  
Brookings City Hall Council Chambers  
898 Elk Drive, Brookings Oregon  
August 22, 2005 7:00 p.m.



**Before the regular Common Council meeting there will be an Executive Session under the authority of ORS 192.660 (2)(d) to conduct deliberation with person(s) designated by the governing body to carry on labor negotiations beginning at 6:30 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. Announcements**

**V. Scheduled Public Appearances**

**A. Slam'n Salmon Ocean Derby – Jim Relaford**

**VI. Public Hearing**

**A. MPD-1-04 remand**

A request for approval of the applicant's response to the issues remanded back from the appeal to the Oregon Land Use Board of Appeals. The remanded issues concerned alternate zoning standards and protection of the wetlands and the Western Lily on property identified as Assessor's Map 40-14 and Index, Tax Lots 2400, 2401 and a portion of 2402. U.S. Borax applicant, Burton Weast, representative. [page 5]

**VII. Oral Requests and Communications from the Audience**

**A. Committee and Liaison reports**

**1. Council Liaisons**

**B. Unscheduled**

**VIII. Staff Reports**

**A. Community Development Department**

**1. Public Works Excavator [page 31]**

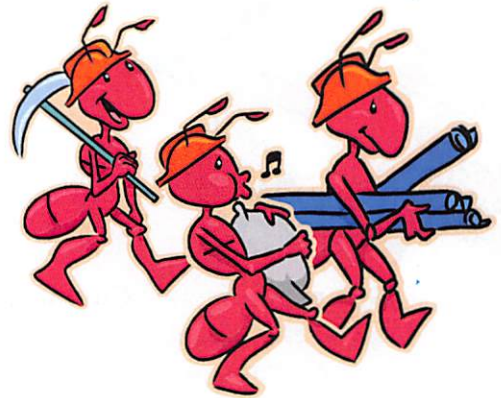
**2. Dewatering Consultant [page 35]**

**B. Police Department**

1. Traffic Safety Committee Recommendations  
[page 41]

**C. City Manager**

1. Urban Renewal Advisory Committee  
[page 43]
2. Other



**IX. Consent Calendar**

- A. Approval of Council Meeting Minutes
  1. Meeting of August 8, 2005 [page 47]
- B. Acceptance of Planning Commission Minutes
  1. Meeting of July 12, 2005 [page 51]
  2. Meeting of August 2, 2005 [page 55]

**End Consent Calendar**

**X. Remarks from Mayor and Councilors**

- A. Council
- B. Mayor

**XI. Adjournment**

# Events Calendar

## August 2005

August 2005							September 2005						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
7	1	2	3	4	5	6	4	5	6	7	1	2	3
14	8	9	10	11	12	13	11	12	13	14	15	16	17
21	15	16	17	18	19	20	18	19	20	21	22	23	24
28	22	23	24	25	26	27	25	26	27	28	29	30	

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
<b>August 1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
9:30am CC- VIPS/Volunteers in Police Service/Marvin Parker 7:00pm FH-FireTng/ChShrp (Fire Hall)	8:30am CC-Investigator/Patrol Information Sharing 9:30am KURY Radio Community Focus 7:00pm CC-Planning Commssn 7:00pm FH CEP (Citizens for	12:00pm Comnity Agencies mtg (Chetco Sr.Ce 2:30pm CC-SafetyComMtg/ Kathy Dunn 7:00pm CC Police Reserves Training John Appo 7:00pm FH-PoliceReserves	8:15am CC-CmtyDevDpt Staff mtg/EWait 9:00am CC-Crm Stoppers 10:00am CC- Site Plan Com Mtg/LauraLee Gray	2:00pm CC Community Devel. HW3	
					7
					AMF 1 pm Siskiyou Summit
8	9	10	11	12	13
7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	9:30am KURY Radio Community Focus Talk Show w/City 10:00am FH-Brookings Rural Fire District-Phil Co 1:00pm CC Healthcare Fair Planning Session	11:00am CC Genc Emere- Otak 503-699-2420	8:15am CC-CmtyDevDpt Staff mtg/EWait 10:00am CC- Site Plan Com Mtg/LauraLee Gray		
					14
					AMF 1 pm Locust Street canceled
15	16	17	18	19	20
9:30am CC-VIPS/Volunteers in Police Service-BPalicki 6:00pm CC-American Red Cross Mtg/Karen 7:00pm FH-FireTng/ChShrp (Fire Hall)	8:30am CC-Investigator/Patrol Information Sharing Meeting-Barbara Palic 9:30am KURY Radio Community Focus 7:00pm CC Planning Commission meeting	2:00pm WWTP bid opening for generator 6:00pm CC Worksession Annexation	8:15am CC-CmtyDevDpt Staff mtg/EWait 10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:00pm CC-Municipal Court 2:00pm CC CEP (Citizens for 3:00pm FH Pepper Spray		10:00am Mayor's Walk Tanbark Neighborhood
					21
22	23	24	25	26	27
7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	9:00am CC Annexation Mtg with Planning Dianne 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	9:00am Lone Ranch Mtgs 2:00pm ODOT parking study	8:15am CC-CmtyDevDpt Staff mtg/EWait 10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:00pm CC State of Oregon Family Health Insurance Assistance	4:00pm FH Helmet Instruction w/Marvin 2259	Household Hazardous Waste Ever 12:00pm City Volunteer & Employee Annual
					28
					AMF 1 pm Cheeseburgers
29	30	31			
7:00pm FH-FireTng/ChShrp (Fire Hall)	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	9:00am Council/Planning Commission Work session			

# Events Calendar

## September 2005

September 2005						
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	

October 2005						
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
			September 1	2	3
			8:15am CC-CmtyDevDpt Staff mtg/EWait 9:00am CC-Crm Stoppers 10:00am CC- Site Plan Com Mtg/LauraLee Gray		4
					5
5	6	7	8	9	10
City Hall CLOSED - Labor Day Hol 9:30am CC- VIPS/Volunteers in Police Service/Marvin Parker 7:00pm FH-FireTng/ChShrp (Fire Hall)	8:30am CC-Investigator/Patrol Information Sharing Meeting-Barbara Palic 9:30am KURY Radio Community Focus 7:00pm CC-Planning Commssn	12:00pm Comnity Agencies mtg (Chetco Sr.Center) 2:30pm CC-SafetyComMtg/ Kathy Dunn 7:00pm FH-PoliceReserves	8:15am CC-CmtyDevDpt Staff mtg/EWait 10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC ODOT Autumn Wilburn 957-3688		11
12	13	14	15	16	17
CC Elections when available					
7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	9:30am KURY Radio Community Focus Talk Show w/City 10:00am FH-Brookings Rural Fire District-Phil Cox-469-5729	5:00pm CC-Victims Impact Panel-Mindy-Curry Prevention Services-541-247-241	8:15am CC-CmtyDevDpt Staff mtg/EWait 10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:00pm CC-Municipal Court		18
19	20	21	22	23	24
FH Auditors					CC Traffic School with Marvin 225
CC Elections when available			8:15am CC-CmtyDevDpt Staff mtg/EWait 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Parks & Rec Comm/City Manager		25
9:30am CC-VIPS/Volunteers in Police Service-BP 6:00pm CC-American Red Cross Mtg/Karen 7:00pm FH-FireTng/ChShrp	8:30am CC-Investigator/Patrol Information Sharing 9:30am KURY Radio Community Focus 7:00pm CC Planning				
26	27	28	29	30	
7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)		8:15am CC-CmtyDevDpt Staff mtg/EWait 10:00am CC- Site Plan Com Mtg/LauraLee Gray	4:00pm FH Helmet Instruction w/Marvin 2259	

**CITY OF BROOKINGS CITY COUNCIL**  
**STAFF AGENDA REPORT**

SUBJECT: Master Plan of Development  
FILE NO: MPD-1-04/Remand Issues  
HEARING DATE: August 22, 2005

REPORT DATE: July 20, 2004  
ITEM NO: 8.1

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**GENERAL INFORMATION**

APPLICANT: U.S. Borax Inc.

REPRESENTATIVE: Burton Weast, Western Advocates.

REQUEST: Approval of the response to the issues raised by the Land Use Board of Appeal remand.

TOTAL LAND AREA: 553 acres.

LOCATION: On the east side of Highway 101 starting approximately 0.8 miles north of Carpenterville Rd. and extending 1.8 miles north along the highway

ASSESSOR'S NUMBER: 40-14 & Index, Tax Lots 2400, 2401 and 2402.

**ZONING / COMPREHENSIVE PLAN INFORMATION**

EXISTING: MPD (Master Plan Development).

PROPOSED: Same.

SURROUNDING: West of Highway 101—County PF (Public Facilities); North and East—County FG (Forest Grazing); South—County R-2 (Residential Two) and FG.

COMP. PLAN: Master Plan Area.

**LAND USE INFORMATION**

EXISTING: Vacant.

PROPOSED: A Master Plan of development.

SURROUNDING: West of Highway 101—Vacant parkland except the Rainbow Rock Condominiums; North and East—Vacant, Cape Ferrelo area further north; South—Residential uses and mobile home park.

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

## **BACKGROUND INFORMATION**

The subject property is a 553± acre parcel consisting of two complete tax lots and the majority portion of a third tax lot, located on the east side of Highway 101 beginning approximately 0.8 miles north of Carpenterville Rd. and extending north along the highway for approximately 9,500 feet. The northerly most boundary is 3,780 feet then it turns south for 2,642 feet. At this point the property boundary turns east again for a distance of 2,706 feet, then south once more for a distance of 5,173 feet where it turns west 1,101 feet back to the highway. The Rainbow Rock condominium homeowners association owns a small (in comparison) triangular piece of property on the east side of the highway at the south end of the subject property. This property extends east 1,017 feet from the highway and then south 888 feet back to the highway at a point 442 feet north of the southerly boundary of the subject property (See Exhibit 2). The property is vacant and has four dedicated access points from the highway. A power transmission line within a 100-foot wide easement crosses through the entire length of the property from north to south.

On October 25, 2004, the City Council approved the Master Plan of Development (MPoD) to establish 1,000 residential units consisting of 540 single family homes, 150 Town Homes, and 310 apartment/condominium units; a 2.43 acre commercial area and a 10 acre college site. The residential, commercial and college nodes are connected by a net work of streets and walkways that extend throughout the project area. The approval allowed a variation of lot sizes for 10% of the single family homes, allowing 5,000 sq. ft. rather than the standard 6,000 sq. ft.; setback variations and allowed single family homes to be 35 feet in height rather than the standard 30 feet. Standards for streets throughout the project were also varied, with wider rights of ways but narrower improvements. The site contains 28 acres of wetlands that are scattered throughout the site and within some of the wetlands is the western lily, which is on the Endangered Species List. The original Planning Commission Staff Report describing the property in detail is attached. The conditions of approval applied by the Planning Commission and the Council are also attached.

The Council's approval was appealed to the Oregon Land Use Board of Appeals (LUBA), citing seven assignments of error.

## **LAND USE BOARD OF APPEALS REMAND.**

LUBA's decision remanded two issues back to the city for reconsideration. The first issue was that of the varied lot standards. This remand did not say the applicant could not apply for varied standards or that the city could not approve a different standard, just that the findings did not meet the ordinance requirement of showing that the requested standard was "equal to or better than" the original standard for that particular use.

The second remand issue was more of a suggestion that Condition 28 of the Conditions of Approval, which is designed to protect the wetlands and the western lily during and after construction, be rewritten and strengthened to ensure protection.

## **RESPONSE TO REMAND ISSUES**

The applicant has submitted a two page letter from their attorney Tim Ramis of Ramis Crew Corrigan LLP, a two page memo from DKS Associates marked Exhibit A, and a 10 page set of findings, marked Exhibit B.

The letter from Mr. Ramis contains suggested amended wording for Conditions 28, as follows:

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

The letter also states that the applicant will eliminate any request for minimum lot size, lot width, setback or similar standards, but instead is requesting standards that are the same as the standards applied in other zones in the City for similar-type developments.

Although not specifically referred to in the LUBA decision, the applicant is also dropping the request for compact parking, and alternate standards regarding right-of-way width. Section 172, Public Facilities Improvement Standards and Criteria, of the Land Development Code, has *minimum* right-of-way standards, which implies that a wider right-of-way for a given street is allowed. All of the rights-of-ways width proposed in the MPoD are 2 feet wider than the minimum standard for a similar street. The original request for alternate street right-of-way widths was due to the misunderstanding that the existing standards were minimum, and thus there is no need to request the variation.

The applicant is requesting that the approved street improvements be retained. These standards include narrower pavement widths and open swales in lieu of curb and gutter in some locations as necessary for the protection of the wetlands and western lily as explained in the memo from DKS Associates, Exhibit A.

## **PROPOSED FINDINGS**

The applicant has submitted a set of findings to support the requests described above, Exhibit B. Staff recommends adoption of applicant's proposed findings and is proposing the following supplemental findings:

1. In response to the LUBA remand, the applicant has submitted a request to eliminate all approved alternate lot size, width and setbacks, and building height and to use the existing zoning standards for the type of use proposed.
2. The applicant is requesting the right-of-way width and street improvement standards as originally approved by the City Council.
3. The applicant has submitted findings to address the remand issues.

## **PROPOSED CONCLUSIONS**

The findings submitted by the applicant are adequate to support the decision as to the issues that were remanded.

## **CONDITIONS OF APPROVAL**

Staff is recommending that the original conditions of approval be retained as originally approved with the exception of Condition No. 28, which should be amended to read:

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

## **RECOMMENDATION**

Staff recommends APPROVAL of Case File No. MPD-1-04/ Remand, based on the original findings and conclusions and the findings and conclusions stated in this staff report, including Exhibit B and subject to the original conditions of approval with Condition No. 28 amended as listed above.

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

**RAMIS CREW CORRIGAN LLP**

**ATTORNEYS AT LAW**

Timothy V. Ramis  
garyf@rcclawyers.com

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PORTLAND, OREGON 97209  
TELEPHONE (503) 222-4402  
FAX (503) 243-2944

July 18, 2005

John B. Trew  
Trew Cyphers & Meyink  
222 E 2<sup>nd</sup> Street  
P.O. Box 158  
Coquille, OR 97423

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

Re: Lone Ranch Master Plan of Development  
Request to Proceed with Application on Remand From LUBA

Dear Mr. Trew and Mr. Bischoff:

On behalf of U.S. Borax, Inc., I request that the City of Brookings proceed with the application for approval of the Master Plan of Development for the Lone Ranch site. LUBA remanded this matter on two issues:

1. To amend Condition of Approval 28 to assure compliance with standards relating to wetlands and the western lily; and
2. To adopt findings supporting approval of alternative development standards.

In response to the first issue, we suggest that Condition of Approval 28 be revised to read:

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

In response to the second issue, U.S. Borax amends its application to eliminate some of its prior requests. It is no longer requesting alternative minimum lot size, lot width, setback or

similar standards, but instead is requesting standards that are the same as the standards applied in other zones in the City for similar-type developments.

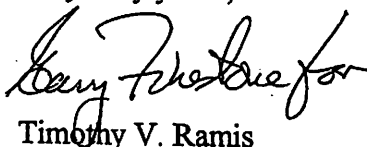
Also, U.S. Borax is no longer requesting an alternative standard to allow compact-sized parking spaces or alternative standards regarding right-of-way width. An existing Condition of Approval requires Borax to provide a revised MPoD that includes all changes that have been proposed by Borax or required as a condition of approval. Borax will accept an additional condition specifically stating that the MPoD shall be revised to eliminate the provision for compact parking spaces and to set standards for right-of-way width, lot size and similar standards that are the same as those found in the zones for similar types of development elsewhere in the City.

U.S. Borax is still requesting some alternative street standards. Those alternative standards allow narrower pavement widths, specify whether curbs must be provided, limit parking, and allow local streets to serve more than 20 dwelling units. Justification for those standards is provided in the attached Exhibit A, a report prepared by transportation engineers. A set of findings that the City could consider adopting is attached as Exhibit B. For the City's convenience, we are also including an addition copy of the Circulation Plan and of the Proposed Street Cross Sections that were included as Exhibits 6 and 7 in the Lone Ranch Master Plan of Development.

All other aspects of this application have been thoroughly reviewed and approved by the Planning Commission, City Council, and LUBA. We request that this matter be set for hearing by the City Council and that the scope of the hearing be limited to the issues on remand.

Please let me know if you have any questions.

Very truly yours,



Timothy V. Ramis

cc: Burton Weast  
Marty Stiven  
Dennis Boyle

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EXHIBIT A

**MEMORANDUM**

**TO:** Tim Ramis, Ramis Crew Corrigan & Bachrach, LLP

**FROM:** Scott Mansur, PE, DKS Associates

**DATE:** July 18, 2005

**SUBJECT:** Lone Ranch Internal Street Standard Review

P03014-000

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We have reviewed and we agree with the additional findings regarding Lone Ranch MPOD approval of Street Standards.

In order to minimize environmental impacts in regards to internal streets within the Lone Ranch Development, the Lone Ranch MPOD identifies alternative residential street standards that would allow for less pavement width. The key purpose of residential streets is to facilitate local traffic, including emergency services, in a safe and efficient manner. The residential streets as proposed in the Lone Ranch MPOD would meet both of these needs. As mentioned in the *Additional Findings for Lone Ranch MPoD approval of Street Standards*, ODOT and LCDC prepared the *Neighborhood Street Design Guidelines* that identified residential street standards that were endorsed by emergency services agencies, public agencies, and private organizations within Oregon. The Lone Ranch MPOD Alternative Residential Street Standards are consistent with the cross-sections identified in this document.

The four alternative street designs proposed within the Lone Ranch MPOD include:

- "Urban" Residential Collector
- "Rural" Residential Collector
- Local Residential Street
- Alley

The purpose of the "Urban" and "Rural" Residential Collector roadways is to connect Highway 101 to the local residential streets as well as the commercial sites within the Lone Ranch MPoD. These roadways would include 28 feet of pavement with parking allowed via off-street pullouts only. This cross section would allow for two 14-foot lanes, which is sufficient for expected traffic demand and emergency services. Furthermore, there would be no on-street parking allowed on the collectors making these roadways free of parking conflicts. The Local Residential Street would provide 24 feet of pavement with parking allowed on one side. These

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roadways provide connectivity between the collectors and residential units. This Local Residential Street cross section would allow for residential parking on one side at the same time allowing for 16 feet of pavement for residential traffic. As mentioned previously, this proposed cross section is supported by emergency services throughout Oregon. The local residential streets as shown in the Lone Ranch MPoD provide sufficient capacity for the level of development shown on the Lone Ranch MPoD. The final street design is an Alley that provides access to residential units. The Alleys would provide 20 feet pavement with no parking allowed.

DKS has done multiple surveys (in the Portland Metropolitan Area) that have shown that street widths have a direct impact on travel speeds on neighborhood streets. The surveys have found that the wide street widths correspond to higher 85<sup>th</sup> percentile operating speeds. In addition, the surveys have found that excessive speeding (five and ten miles per hour above posted speeds) increases at an increasing rate with road width. The residential street cross sections as shown in the Lone Ranch MPOD would likely have the same or slower operating speeds dependant upon the amount of on-street parking than the current City of Brookings Street Standards.

The only transportation related difference between the proposed "Urban" and "Rural" Residential Collectors would be the installation of curbs and gravel shoulders. The "Rural" Residential Collector would not have curbs allowing for adjacent swales while the "Urban" Residential Collector would have raised curbs. Curbs provide a vertical barrier that protects pedestrians from adjacent vehicular traffic. For roadways without curbs, it is critical to consider a safe multi-use path for pedestrians and bicyclists. The "Rural" Residential Collector cross section as shown in the *Lone Ranch Master Plan of Development (Exhibit 7)* does not provide curbs but provides an adjacent 10' multi-use path. This multi-use path would be separated by an 11-foot swale and shoulder that would provide a safe buffer between vehicular traffic and pedestrians and bikes. Both collector roadways as proposed would provide a safe area for pedestrian and bike traffic.

In summary, the Lone Ranch MPOD alternative residential street standards as documented in the *Additional Findings for Lone Ranch MPoD approval of Street Standards* would provide the Lone Ranch development with adequate roadway width to facilitate both local traffic and emergency response needs.

Feel free to give us a call if you have any questions.

## **EXHIBIT B**

### **Additional Findings for Lone Ranch MPoD approval of Street Standards**

1. The City of Brookings approved MPD 1-04 which included alternative development standards for streets within the Lone Ranch Master Plan. The city's approval of MPD 1-04 was appealed to the State of Oregon Land Use Board of Appeals (LUBA). In its decision dated April 20, 2005, LUBA sustained the Second Assignment of Error, which addressed alternative development standards.
2. The Lone Ranch property is unique. Although it is a very large piece of property within the City limits, it has areas of wetlands, stream corridors and slopes that constrain development. Some of the wetlands contain populations of the endangered Western Lily. The property is adjacent to a state park, which included land donated to the state by the owner of Lone Ranch. With proper planning, the Lone Ranch property can be developed with minimum impact on wetlands, streams or the Western Lily. The nature of the property requires planning specific for the property to protect its natural features. The City developed its Master Plan regulations for properties such as Lone Ranch that have special characteristics, and a Master Plan is required for this property.
3. The scope of the LUBA decision as to alternative development standards is unclear.<sup>1</sup> The City Council believes that LUBA did not decide that the City's original findings on transportation standards were inadequate or that those decisions were unsupported by substantial evidence. The Council therefore concludes that its original decision as to alternative transportation standards stands and that no additional evidence or findings on alternative transportation standards is needed. Nevertheless, because LUBA's decision was not clear, the Council has accepted additional evidence on this issue and provides these additional findings in the event the City's decision is again appealed to LUBA.
4. In its letter requesting the City to proceed on remand, applicant U.S. Borax (Borax) informed the City that the only alternative development standards that it wished to proceed with are certain of the alternative street development standards. Borax has stated that it withdraws the request for compact parking spaces, the request for alternate right-

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<sup>1</sup> The LUBA opinion expressly addressed only the City's interpretation that the "alternative development standards" requirements did not apply to standards such as height, setback and other restrictions set by zones that exist elsewhere in the City. The LUBA opinion did not expressly address those development standards that the City had concluded were alternative development standards and adopted findings concluding that the criteria for adopting alternative development standards were met. However, the LUBA decision did state that the Second Assignment of Error was sustained, without any limitation and the Second Assignment of Error could be interpreted as challenging the City's decision as to those standards that the City concluded were alternative development standards.

of-way width, and the request for reduced lot sizes, increased building coverage, height and setback standards that differ from those in similar zones in other areas of the City. -

5. BDC Section 70.020 states that alternative standards shall be clearly and specifically identified within the plan submittals, and shall include an explanation and/or drawings that demonstrate that such alternative standards equally or better meet the purpose of the existing regulations.

6. The MPoD clearly and specifically identifies the alternative street development standards. The alternative street development standards differ from the City's standard street development standards in four ways. First, the alternative street development standards specify whether streets are to have curbs, whereas the existing code standards are ambiguous as to whether curbs are required.<sup>2</sup> Second, the existing street development standards are silent as to whether parking is allowed and the proposed alternative street standards limit parking to either one side of the street or pull-out areas. Third, the alternative street standards for some streets provide for narrower minimum pavement widths than the existing standards. The differences in curbs, parking, and pavement width are summarized in Tables A and B. The fourth difference is that the existing standard limits local (residential) streets to 20 dwelling units and the proposed standards do not limit residential streets to a maximum number of units served. For those streets that are not to have curbs, swales may be included.

**Table A**  
**Street Width Standards**

Street Classification	Minimum Paved Width	
	Existing	Proposed
Residential Collector	36	28
Local Residential	30	24
Alley	20	20

**Table B**

Street Classification		Curbs		Parking	
		Existing	Proposed	Existing	Proposed
Residential Collector	Rural	No standard	Swales, no curbs	Not specified	Pull-outs
	Urban	No standard	Curbs		
Local Residential		No standard	Curbs	Not specified	One-side
Alley		No standard	Curbs	Not specified	None

<sup>2</sup> The standards do not expressly require curbs, but contain at least one reference to "curb-to-curb" width, implying that streets are to have curbs.

7. Borax requested the alternative minimum paved area widths for residential collectors and local residential streets in order to allow more open space to reduce impervious areas in order to reduce impact on wetlands, stream corridors and/or western lilies. Borax based those standards on the State of Oregon Land Conservation and Development Commission (LCDC) Neighborhood Street Design Guidelines, published in November of 2000.
8. The proposed street standards include two types of residential collectors, one with curbs and one without. The existing zoning regulations do not expressly specify whether curbs are to be provided. The existing regulations define residential street by the number of dwelling units served, but the proposed regulations do not do so. The city's residential and residential collector street standards do not expressly address parking, but are wide enough to provide on-street parking on both sides within the paved area of the street. The proposed street standards accommodate on-street parking by allowing parking on one side of the street on local streets and by providing pull-outs at specific points for collectors.
9. The primary difference between the existing and proposed street standards is that the proposed residential collector and the residential street standards allow less pavement width than the existing standards.
10. The proposed standards are based on the (LCDC) Neighborhood Street Design Guidelines, published in November of 2000. BDC Section 70 states that alternative standards can be approved when the City finds that the alternative standards equally or better meet the purpose of the existing regulations. BDC Section 172 (Public Facilities Improvement Standards and Criteria) identifies the general development standards and requirements but does not include a purpose statement. However, the purpose of the street standards can be determined from BDC Section 172.020C.1, which provides that the City may approve some modifications to the standards in quasi-judicial approvals if the number of lots served and probably future traffic development justify a narrower width. That section also requires consideration of the "present use and development of the property in the area, the logical and reasonable prospective development of the area based on public needs and trends, and public safety, convenience, and welfare."
11. In addition to the language in BDC Section 172.020C.1, the general purpose section of the BDC, Section 1.040 provides guidance as to the purpose of the street standards. BDC Section 1.040 provides in part that the purpose of the BDC is to "lessen congestion of streets" and "to facilitate adequate provisions for community utilities such as transportation." Goal 12 of the Brookings Comprehensive Plan states as a goal for the city "To provide and encourage a safe, convenient and economic transportation system."
12. The City Council therefore concludes that the purpose of the street improvement standards is to provide for a safe, convenient, adequate, and economic street transportation system, taking into account present and anticipated use and development, while minimizing street congestion.

13. The Neighborhood Street Design Guidelines is a guide for reducing street widths. The standards proposed for Lone Ranch are consistent with the guidelines presented by LCDC. These standards were adopted by consensus among city, county, regional and state representatives, as well fire and emergency response representatives, transportation engineers and planners and public work representatives. The standards provide guidelines for neighborhood streets with respect to livability, safety through reduced speeds, and access for emergency and other large vehicles. The study found that the design of residential streets, together with the amount and speed of traffic they carry, contributes significantly to a sense of community, neighborhood feeling, and perceptions of safety and comfort. They found that narrow streets are less costly to develop and maintain and they present less impervious surface, reducing runoff and water quality problems. In the case of Lone Ranch, the narrower paving area will result in less impervious surface area, with less disruption to the natural hydrology of the area. This is an important benefit given the presence of wetlands and western lilies on the site, particularly where roads are located above or cross the wetlands. The curbless streets that include swales are provided to minimize impacts on wetlands and western lilies.

14. A concern about narrow streets is their accessibility for emergency response vehicles. Therefore, the proposed street standards reflect the need for safe emergency access. This is achieved by prohibiting parking on both sides of the street on some streets, except in pull-out areas, and allowing parking only on one side on other streets. The provision of an adequate amount of on-site parking will also aid in keep streets unobstructed for emergency access. The stakeholder group of fire/emergency response representatives approved the narrow street standards as they believed that the emergency response times were not sacrificed by adoption of the standards. Furthermore, the Lone Ranch Master Plan requires all residential development to include sprinklers as an additional fire protection measure.

15. Another concern with narrow streets is congestion. The width of pavement required will minimize congestion because it is adequate to provide sufficiently wide travel lanes, given the restrictions on parking.

16. Another concern with narrow streets is insufficient parking. The provision of pull-out areas will provide sufficient parking on collector streets. The one-side parking on residential streets will provide sufficient parking on local residential streets.

17. In a letter to the City of Brookings from the US Fish and Wildlife Services, dated September 20, 2004, Craig Tuss, Field Supervisor states that the Department support flexibility in road design including widths and inclusion of gutters and curbs and/or swales as part of the project design options. Mr. Tuss states that "These design options could provide the needed flexibility to accommodate appropriate wetland buffers, storm-water management, maintenance of appropriate hydrologic patterns and arrangement of housing unit pods."

18. Allowing local streets to serve more than 20 dwelling units does not decrease the safety or function of the streets nor does it increase congestion. The proposed minimum

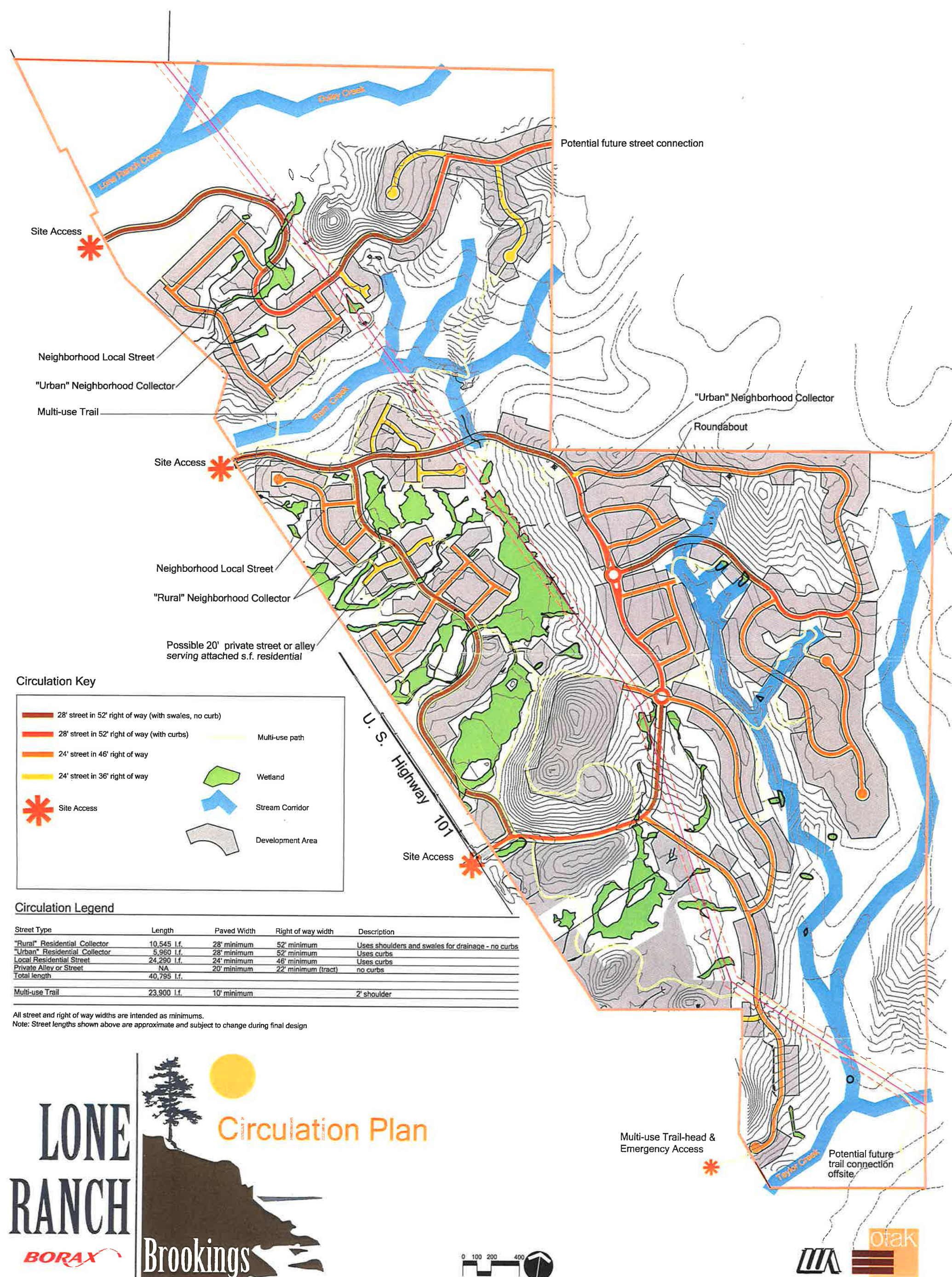
pavement width is sufficient to provide safe and adequate transportation without congestion at the level of use anticipated for the streets proposed as local residential streets. As noted above, sprinklers will be required for all residential development, so fire safety will be maintained even on longer local streets.

19. Based on the evidence provided by LCDC in the Neighborhood Street Guidelines, the testimony presented by USFWS, and the evidence provided by applicant and its consultants, the proposed street standards equally or better meet the city's purpose of providing a safe, convenient, adequate, and economic street transportation system, taking into account present and anticipated use and development, while minimizing street congestion, for the following reasons:

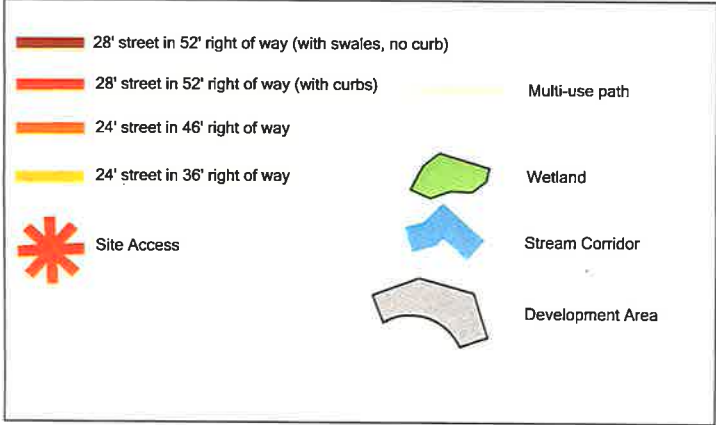
- The street standards with controlled on-street parking opportunities, provide for sufficiently wide streets that allow access by emergency response vehicles.
- The travel lane sizes for both residential collector and residential local streets are sufficient wide to avoid congestion and to provide for adequate flow of traffic
- Reduced travel lane size contribute to safety by maintaining speeds within appropriate ranges in residential areas.
- The narrower street design encourages convenient neighborhood circulation.
- The narrower streets are less expensive to maintain.
- Specifying the locations where curbs are required and the locations where curbs are not provided promotes a safe, convenient and adequate street transportation system to ensure that street designs are appropriate to street type. Allowing certain streets to be developed without curbs and with swales provides protection for wetlands and western lilies.
- Having specific standards for curbs promotes economic development of streets by avoiding the need for curbs in rural areas where curbs are not appropriate.
- The presence or absence of curbs does not affect traffic congestion.
- The inclusion of parking restrictions in the street standards promotes safety by assuring adequate travel lanes and better vision of pedestrians. Reduced parking promotes safety by increasing visibility at driveways and intersections.
- Limiting parking increases the adequacy of the streets by assuring that travel lanes remain free for vehicular movement. The proposed regulations provide for adequate parking opportunities.
- Limiting parking allows for convenient circulation while maintaining sufficient parking to assure that the transportation system functions acceptably. There is no

need for parking in residential areas where houses are not developed, and some areas within the Lone Ranch MPoD adjacent to road will not be developed with housing because of environmental constraints. At the conceptual MPoD level, the concept of one-side parking on local streets and pull-out parking on collectors provides for a convenient system. The City will review each detailed development plan to assure that the DDP as developed provides adequate parking consistent with a safe, convenient, adequate and economical transportation system.

- The parking requirements will minimize congestion by assuring that parking occurs in appropriate areas.
- Narrower streets decrease storm water run-off, thereby contributing to the economical construction and management of the street system by decreasing the need for storm water management facilities.
- The alternate street standards in the MPoD that allow reduced pavement width, limit parking, regulate curbs and allow potentially longer local streets have been coordinated to provide a regulatory system and set of standards that takes into account the use and development of the Lone Ranch area.



Circulation Key



Circulation Legend

Street Type	Length	Paved Width	Right of way width	Description
"Rural" Residential Collector	10,545 l.f.	28' minimum	52' minimum	Uses shoulders and swales for drainage - no curbs
"Urban" Residential Collector	5,960 l.f.	28' minimum	52' minimum	Uses curbs
Local Residential Street	24,290 l.f.	24' minimum	46' minimum	Uses curbs
Private Alley or Street	NA	20' minimum	22' minimum (tract)	no curbs
Total length	40,795 l.f.			
Multi-use Trail	23,900 l.f.	10' minimum		2' shoulder

All street and right of way widths are intended as minimums.  
 Note: Street lengths shown above are approximate and subject to change during final design

# LONE RANCH

BORAX

## Brookings

# Circulation Plan

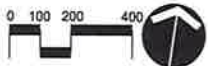
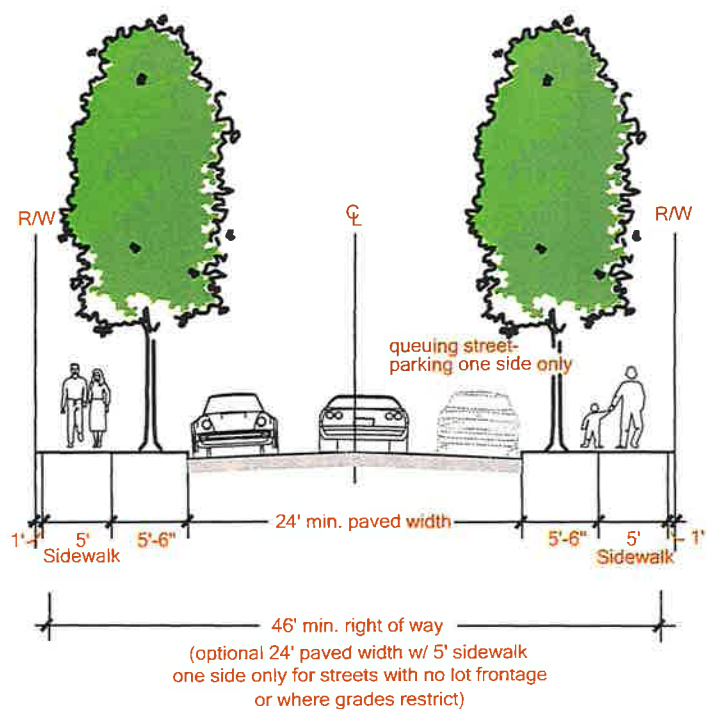
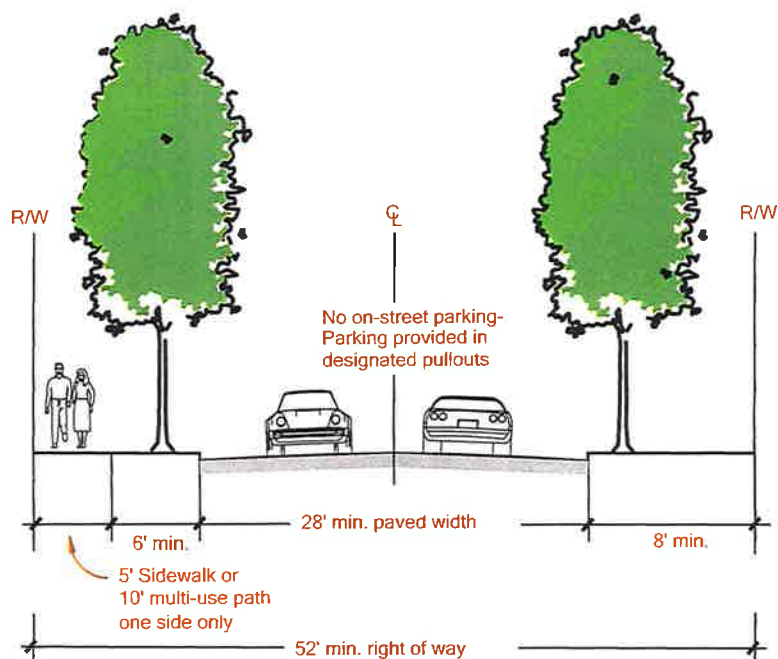


Exhibit 6

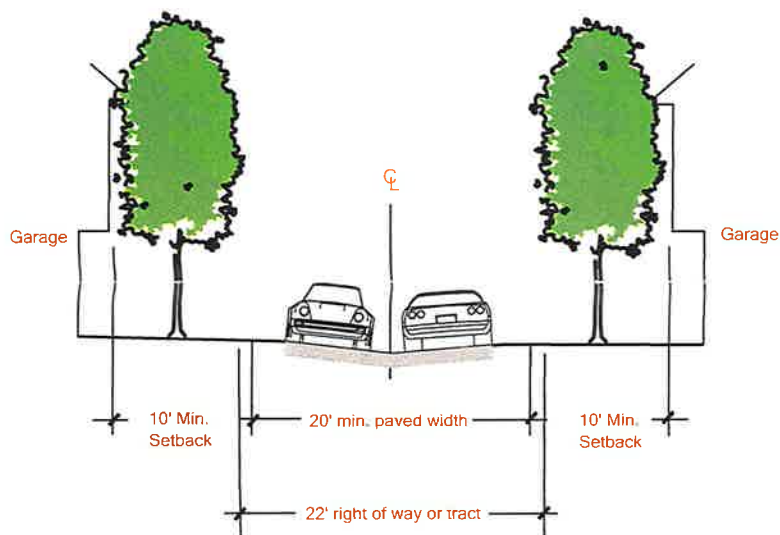
5/5/2004



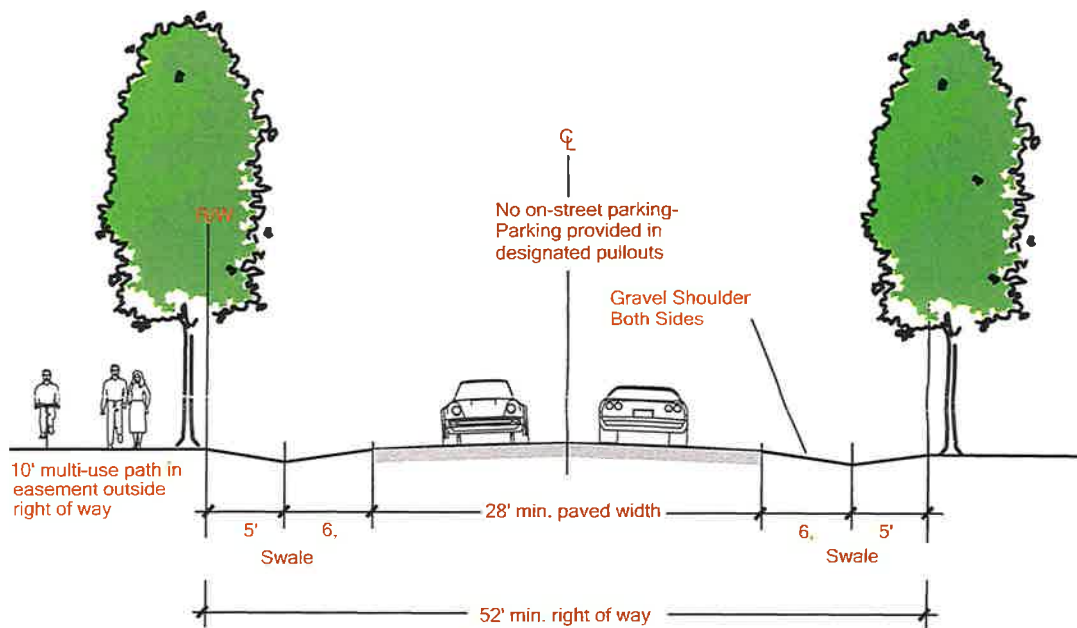
Local Residential



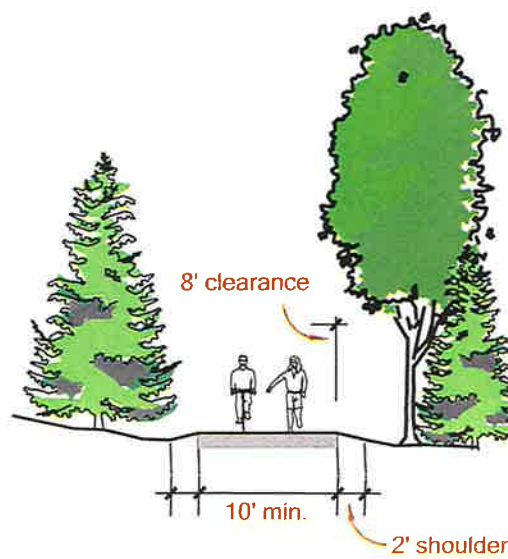
"Urban" Residential Collector (curbed)



Private Alley or Street



"Rural" Residential Collector (shoulder/swale)



Multi-use Trail



## Proposed Street Cross-Sections

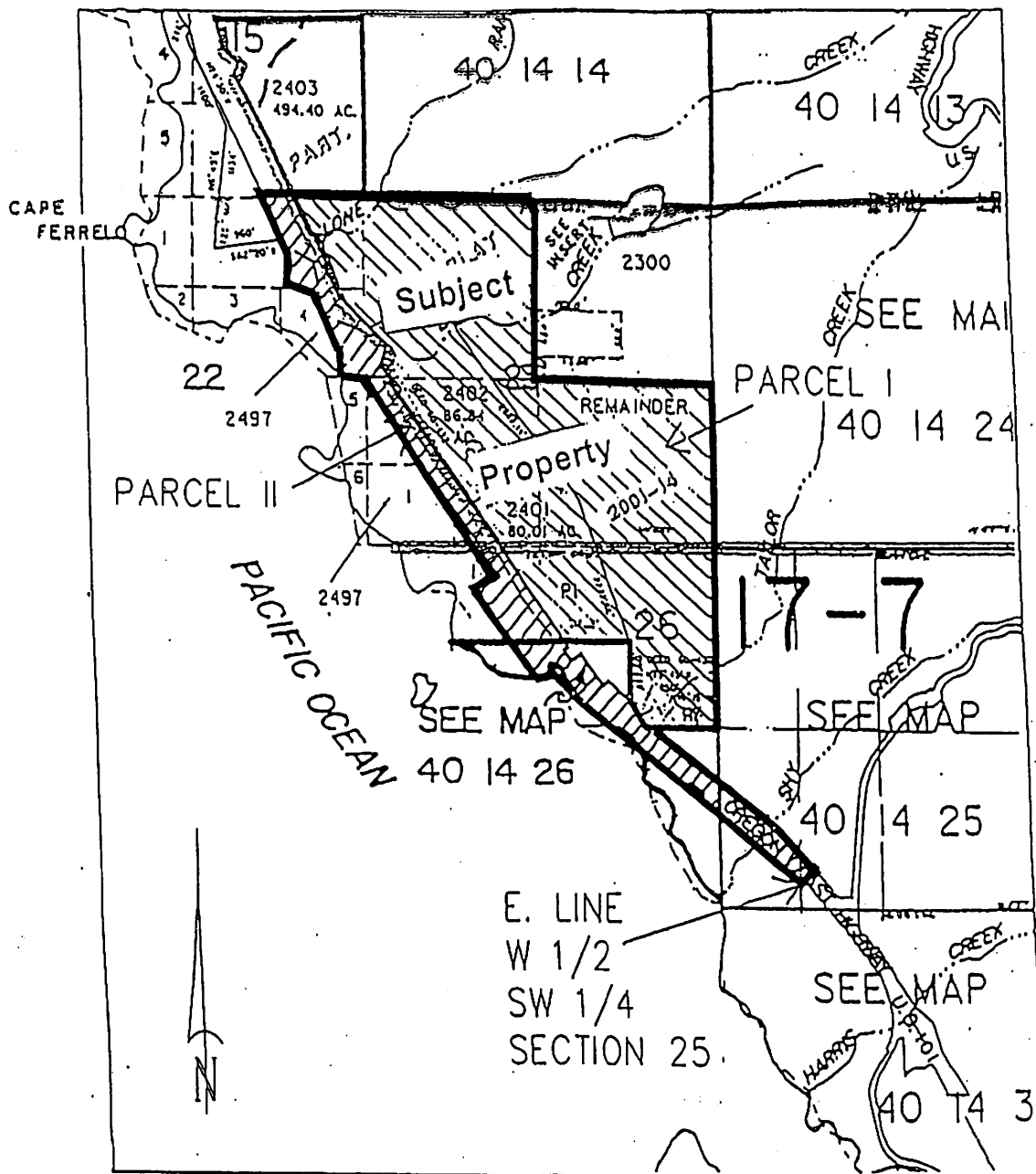


Exhibit "C"



# Oregon

Theodore R. Kulongoski, Governor

**Department of State Lands**  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
(503) 378-3805  
FAX (503) 378-4844  
[www.oregonstatelands.us](http://www.oregonstatelands.us)

August 16, 2005

**State Land Board**

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

Theodore R. Kulongoski  
Governor

Bill Bradbury  
Secretary of State

Randall Edwards  
State Treasurer

Re: Comments on U.S. Borax, Inc. Application MPD-1-04;  
Condition of Approval 28

The Department of State Lands requests an addition to Condition of Approval 28 with respect to wetlands. Our comments and suggested language are provided below.

Comments:

The LUBA decision remand and related documents refer to a "hydrologic study" and also to a "wetland assessment" prepared by Borax's consultant. Neither of these terms is defined, and neither is synonymous with a wetland determination or delineation, which is needed in order to identify jurisdictional wetlands. A wetland assessment is generally a very rough reconnaissance of wetlands. A hydrologic study may also be needed, but does not take the place of a wetland delineation. In order to determine that wetlands have been accurately identified and mapped, a wetland delineation that meets state requirements (OAR 141-090-0005 through 0055) needs to be completed and should be submitted to the Department of State Lands for review and approval. To date, nothing has been submitted to the Department.

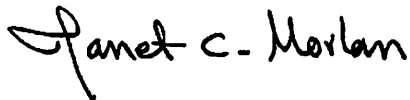
An approved wetland delineation is also needed to establish that potential wetland impacts are accurately identified and that impacts are avoided and minimized to the extent practicable (also a requirement of the state Removal-Fill Law and the federal Clean Water Act, should a permit application be submitted). We strongly recommend that the wetland delineation be submitted to the Department well in advance of any final development plan approval to allow adequate time for the Department to review the delineation and conduct an onsite verification, and for the consultant to make any required revisions to the delineation (not uncommon). Final development plans can then be based upon the approved wetland delineation.

**Recommended Language to Include in the Condition of Approval:**

**"A wetland delineation that meets state requirements (OAR 141-090-0005 to 0055) shall be submitted to the Department of State Lands for review and approval in advance of each DDP. Any revisions required by the Department of State Lands shall be made prior to the City's approval."**

**Thank you for considering our comments. Please contact me at extension 236 with any questions you may have.**

**Sincerely,**



**Janet C. Morlan, PWS  
Wetlands Program Manager**

**cc: Bob Lobdell, DSL  
Craig A. Tuss, U.S Fish and Wildlife Service, Roseburg Field Office**

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

<b>In the matter of Planning Commission File No. MPD-1-04/Remand; a request for approval of the applicant's response to the issues remanded by the Land Use Board of Appeals for a Master Plan of Development; U.S. Borax, applicant.</b>	) ) ) ) ) )	<b>Final ORDER and Findings of Fact</b>
---	----------------------------	---

**ORDER** approving the materials submitted in response to the issues remanded by the Land Use Board of Appeals (LUBA), in the appeal of the city's approval of a Master Plan of Development to establish 540 single family detached homes, 150 single family attached homes (townhouses), a 2.43 acre convenience commercial area, and a 10 acre college campus site on a 553 acre parcel of land located on the east side of Highway 101 approximately 0.80 miles north of Carpenterville Rd.; Assessor's Map 40-14 & Index, Tax Lot 2400, 2401, 2402; zoned MPD (Master Plan Development).

**WHEREAS:**

1. In its decision of an appeal of the city's approval of the Master Plan of Development the LUBA remanded two items for further review as follows:

- a. The issue of alternate standards for lot size, yard setbacks and building height.
- b. To amend Condition of Approval No. 28 to clarify and strengthen provisions to protect the wetlands and the Western Lily.

2. The applicant submitted to the city materials in response to the issues of this remand as follows:

- a. The letter stating that the applicant will eliminate any request for minimum lot size, lot width, setback or similar standards, but instead is requesting standards that are the same as the standards applied in other zones in the City for similar-type developments; and

- b. Also recommending amendment of Condition of Approval No. 28 to read:

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

- c. A two page memo from DKS Associates dropping the request for compact parking, and alternate standards regarding right-of-way width (At the time of original approval the applicant did not realize the right-of-way standards in the Land Development Code were minimum, and thus could be wider. All rights-of-ways in the approved Master Plan are 2 feet wider than the minimum standard and therefore consistent with established City standards. The memo from DKS indicates that the applicant still wishes to retain the approved narrower improvements.
- d. A set of findings, marked Exhibit B, supporting the response contained in the materials described above.

3. The Brookings City Council duly considered the above described materials in a public hearing at a regularly scheduled public meetings held on August 22, 2005, and are a matter of record; and

4. 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, approved the materials.

**THEREFORE, LET IT BE HEREBY ORDERED** that the materials submitted in response to the issues of the remand are approved. This approval is supported by the following findings and conclusions:

**FINDINGS**

The applicant has submitted the attached set of findings to support the requests described above, Exhibit B. Applicant's proposed findings are hereby adopted as findings. In addition the City Council adopts the following findings:

1. In response to the LUBA remand, the applicant has submitted a request to eliminate all approved alternate lot size, width and setbacks, and building height and to use the existing zoning standards for the type of use proposed.
2. The applicant is dropping the request for compact parking but requesting the right-of-way width and street improvement standards as originally approved by the City Council.
3. The applicant has submitted findings to address the remand issues.

**CONCLUSIONS**

The findings submitted by the applicant are adequate to support the decision as to the issues that were remanded.

**CONDITIONS OF APPROVAL**

The original conditions of approval are retained as originally approved except that Condition No. 28 is amended as proposed by applicant.

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

**LET IT FURTHER BE OF RECORD** that the City Council approved the materials submitted in response to the issues of the remand.

Dated this 22<sup>nd</sup> day of August, 2005.

---

Pat Sherman, Mayor

ATTEST:

---

John C. Bischoff, Planning Director

CONDITIONS OF APPROVAL  
LONE RANCH MASTER PLAN  
MPD-1-04/Remand  
(As Amended by the City Council August 22, 2005)

General Conditions

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

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

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

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

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

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

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

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

storm drainage and to determine any impact on wetlands designated for protection and on western lilies. At the time of DDP review, the City may require changes to the DDP that it determines are needed to protect wetlands and western lilies.

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

# CITY OF BROOKINGS



## STAFF REPORT

Date: August 15, 2005

To: Mayor Sherman and City Councilors

From: Ed Wait, Community Development Director

Through: Burke Raymond, Interim City Manager *[Signature]*

Subject: Purchase, Public Works Compact Excavator, trailer, Flail, and attachments

## REPORT

The Public Works Department performs work on our sewers, water systems, roads, parks, ditches and other types of public infrastructure. This type of work requires equipment that can access and accomplish our work with the least amount of inconvenience for the public or cost for the City. The compact excavator provides this resource with the ability to access small and narrow areas, provide 360 degree rotational capability, and versatile design for digging, lifting, and loading. Additionally the unit can add a flail attachment that allows even greater capability to handle additional tasks undertaken by Public Works.

Public Works received 4 bids for the equipment and tested the two comparable models. After review of costs and operational capabilities the low bidder was determined to provide the best equipment package. Therefore, we propose to purchase the Kubota KX 161-3R4AS compact excavator, Zie-man model 1195 Trailer, US Mower model EX40, and additional components needed for a fully equipped and operational unit. The equipment components are contained in your packet and the total cost is \$69, 285. This equipment is included in the Public Works approved budget for fiscal year 2005/2006 and funds are available.

## RECOMMENDATION

Approve the purchase of this equipment.

**Central Equipment****Quotation**

3008 Biddle Rd.  
 Medford, Or. 97504  
 Phone: 888-779-7444  
 Fax: 541-779-5518  
[www.central-equip.com](http://www.central-equip.com)

DATE:  
 QUOTE #

**Bill To:**  
**Purchaser** City of Brookings  
**Address**  
**City, State ZIP**  
**Phone**

[sales@central-equip.com](mailto:sales@central-equip.com)  
**Ship To:**  
**Purchaser**  
**Address**  
**City, State ZIP**  
**Phone**

**Comments or Special Instructions:**

SALESPERSON	P.O. NUMBER	SHIP DATE	SHIP VIA	F.O.B. POINT	TERMS
Don				Delivered	
QUANTITY	DESCRIPTION			UNIT PRICE	AMOUNT
1	New Kubota KX161-3R4AS Angle-Blade - Cab with A/C				\$ 58,500.00
	Options included:				
	K7880 Quick Coupler				745.00
	K7882 12" Bucket Q/C				787.00
	K7885 24" Bucket Q/C				1,014.00
	K7888 48" Ditch Cleaning Bucket Q/C				1,047.00
	K7905 Hydraulic Thumb with Hydraulic Relief				1,971.00
	K9947 Travel Alarm				228.00
	K7856 Radio with Cassette				445.00
1	CECO & Kubota Programmed Discounts				(14,140.00)
1	A/H Pre-Delivery & Setup				850.00



THANK YOU FOR YOUR CONSIDERATION!

SUBTOTAL	\$ 51,447.00
TAX RATE	
SALES TAX	-
SHIPPING & HANDLING	-
TOTAL	\$ 51,447.00

# Central Equipment

# Quotation

3008 Biddle Rd.  
Medford, Or. 97504  
Phone: 888-779-7444  
Fax: 541-779-5518  
[www.central-equip.com](http://www.central-equip.com)

DATE: 8/2/2005  
QUOTE #

**Bill To:**

Purchaser City of Brookings  
Address  
City, State ZIP  
Phone

[sales@central-equip.com](mailto:sales@central-equip.com)

**Ship To:**

Purchaser  
Address  
City, State ZIP  
Phone

**Comments or Special Instructions:**

SALESPERSON	P.O. NUMBER	SHIP DATE	SHIP VIA	F.O.B. POINT	TERMS
Don				Delivered	
QUANTITY	DESCRIPTION			UNIT PRICE	AMOUNT
1	New Zieman Model 1195 Trailer				\$ 9,880.00
	With Pintle Hook & Electric brakes				
	Factory Freight				275.00
1	Current 11% Steel Surcharge				1,086.00
1	CECO discount				(2,400.00)
Price does not include Oregon license and DMV fees!					



THANK YOU FOR YOUR CONSIDERATION!

SUBTOTAL	\$ 8,841.00
TAX RATE	
SALES TAX	-
SHIPPING & HANDLING	-
TOTAL	\$ 8,841.00

**Central Equipment****Quotation**

3008 Biddle Rd.  
 Medford, Or. 97504  
 Phone: 888-779-7444  
 Fax: 541-779-5518  
[www.central-equip.com](http://www.central-equip.com)

DATE: 8/2/2005  
 QUOTE #

**Bill To:**

Purchaser City of Brookings  
 Address  
 City, State ZIP  
 Phone

[sales@central-equip.com](mailto:sales@central-equip.com)


**Ship To:**

Purchaser  
 Address  
 City, State ZIP  
 Phone

**Comments or Special Instructions:**

Special Instructions:

SALESPERSON	P.O. NUMBER	SHIP DATE	SHIP VIA	F.O.B. POINT	TERMS
Don				Delivered	
QUANTITY	DESCRIPTION			UNIT PRICE	AMOUNT
1	US MOWER Model EX40				\$ 5,692.00
	Thumb Saddle				280.00
	Excavator Mount				395.00
	Factory Freight				400.00
	Installation - Hoses - Couplers - Plumbing & Labor				1,000.00
	CECO Discount				(770.00)
1	Hydraulic Options: Hyd Thumb/Mower Diverter Valve & Plumbing Installed - For a Double Function Circuit. This Circuit will allow for use of the thumb or mower from the same hydraulic source and switchable from the operators controls.				2,000.00
				SUBTOTAL	\$ 8,997.00
				TAX RATE	
				SALES TAX	-
				SHIPPING & HANDLING	-
				TOTAL	\$ 8,997.00



THANK YOU FOR YOUR CONSIDERATION!



THANK YOU FOR YOUR CONSIDERATION!

# CITY OF BROOKINGS



## STAFF REPORT

Date: August 16, 2005  
To: Mayor Sherman and City Councilors  
From: Ed Wait, Community Development Director  
Through: Burke Raymond, Interim City Manager *[Signature]*  
Subject: Biosolids process engineering contract

## REPORT

The City does not currently have the capacity to place all our biosolids, created annually, in a land application manner. We have been successful in securing more land application sites and have signed an agreement with the City of Grants Pass to accept our product. These options still have potential conflicts and cannot be relayed on for a long term solution.

To further explore our options we have requested a proposal from Brown and Caldwell (Included in your packet). They propose to explore a variety of facility upgrades and costs. This includes reviewing the following mechanical dewatering processes: 1. Belt Filter Press, 2. Centrifuge, and 3. Screw Press. The engineering report will also address the upgrades and costs associated with converting our Class B product to a Class A product in the following scenarios: 1. Composting, 2. Thermal Drying, and 3. Lime Pasteurization.

The consultant will provide a preliminary design report with recommendations and costs associated with all the criteria outlined above. The final step will be to determine the recommended alternative and a detailed cost estimate and project schedule will be provided as the end product for this phase.

The cost to provide this preliminary design report is \$29,190. This cost element was not built into the wastewater fund budget for fiscal year 2005/2006. However, the Wastewater fund continues to set aside contingency funds for just such an occurrence. The contingency fund currently contains over \$500,000 and we propose to utilize a portion of this fund to accomplish this task.

## RECOMMENDATION

Approve the agreement with Brown and Caldwell to complete this task with funding from the Wastewater Contingency Fund.

**AMENDMENT NO. 9 TO  
AGREEMENT FOR ENGINEERING SERVICES  
BETWEEN CITY OF BROOKINGS  
AND BROWN AND CALDWELL  
FOR WASTEWATER SYSTEM ENGINEERING**

The AGREEMENT, made and entered into on the 23rd day of June 1997, by and between the City of Brookings, hereinafter referred to as "Owner," and Brown and Caldwell, Inc., hereinafter referred to as "Engineer" is hereby amended as follows:

**1. Amend Exhibit B, Scope of Work, dated October 9, 1997, as follows:**

Add "**Task 16.2 Biosolids Preliminary Design** – The Brookings City Council has decided to stop using the Keith Smith farm for Class B biosolids land application. While some smaller parcels of land may be available in the local area for continued land application, much of the biosolids product may need to be exported. The current preference is to truck biosolids slurry (approximately 2% dry matter concentration) to the City of Grants Pass for dewatering and composting. Grants Pass has quoted a price of \$300 per dry ton for providing this service. For approximately 125 dry tons, this will amount to approximately \$37,500 per year. Trucking costs to Grants Pass have been quoted by Roto-rooter at \$0.09/gallon. For 1.5 million gallons (approximate current annual production at 2% solids), this will add \$135,000 to the annual cost. Actual cost will be reduced depending on the amount of local land application.

It is advantageous for Brookings to consider a solids processing facility upgrade to help control costs. Mechanical dewatering, for example, could dramatically reduce hauling costs. The city is also interested in the possibility of producing their own Class A biosolids product. A preliminary design study is required to further quantify costs and determine the most advantageous approach for upgrading the wastewater treatment facility. The study will build on an April 8, 2005 alternatives evaluation prepared by Brown and Caldwell. The study will provide firmer definition of costs and the basis for selecting a preferred alternative. Detailed design can then proceed for the selected alternative.

The scope of work is as follows:

**Subtask 16.21 Update Solids Production Quantities.** Update solids production quantities from the 1992 Facilities Plan based on present production rates and growth projections. A 20 year planning horizon will be used.

**Subtask 16.22 Refine Cost Estimates for Alternatives.** Refine cost estimates and estimates and consider seasonal processing to utilize existing storage tank. The following alternatives will be considered:

- A. Mechanical dewatering
  - Belt Filter Press
  - Centrifuge
  - Screw Press
- B. Class A biosolids processing
  - Composting
  - Thermal drying
  - Lime Pasteurization (FKC process)

**Subtask 16.23 Assist with Pilot Testing.** Work with FKC to arrange for pilot testing of their equipment for dewatering and for producing Class A biosolids. The Owner would contract direct with FKC for the costs associated with transportation of the equipment and personnel for the pilot testing and will provide assistance with the site utilities (electrical, water, drainage, etc.) and laboratory testing. The Engineer will be on-site for one week during the site testing to monitor the pilot testing procedures and results.

**Subtask 16.24 Prepare Preliminary Design Report.** Prepare a preliminary design report that summarizes the results of the evaluations and provides recommendations for improvements to the biosolids management program. The report will include estimated solids production quantities, refined cost estimates for alternatives, results of the pilot testing, site plan showing footprint of the biosolids processing equipment, and design data for the recommended improvements. A detailed cost estimated and project schedule will be provided for the selected alternative.

**Subtask 16.25 Attend Council Presentation.** Attend a City Council meeting and present the results of the preliminary design study.

2. Delete Table 1 on page 2 of 2 of Exhibit C, Compensation, and replace with the following:

Table 1. Wastewater System Engineering Compensation Schedule

Task Description		Cost, dollars								
		Orig Agree	Amd. 1	Amd. 2	Amd. 3	Amd. 4	Amd. 5	Amd. 6	Amd. 7	Amd. 8
1	Phase I-I/I Services , Task 1 – 5	62,936	0	0	0	15,800	0	0	0	0
2	Phase 2 I/I Design, Bid and Office Engineering	0	0	81,650	0	0	0	0	0	0
3	Phase 3 Follow-on Facilities Planning Assistance	0	3,740	0	0	0	0	0	0	0
4	Phase 3 Project Management	0	78,160	0	0	0	0	0	0	0
5	Phase 3 Preliminary Design	0	117,600	0	0	0	0	0	0	0
6	Phase 3 Geotechnical Investigation	0	19,840	0	0	0	0	0	0	0
7	Phase 3 Grant and Loan Assistance	0	9,820	0	0	0	0	0	0	0
8	Phase 3 Treatment Plant Design	0	929,240	183,481	156,012	0	0	0	0	0
9	Phase 3 Bid Period Services	0	37,440	0	0	0	0	0	0	0
10	Phase 3 Office Engineering	0	247,520	1,352	2,231	0	5,000	43,100	0	0
11	Construction Management and Inspection	0	305,722	0	0	0	0	11,650	0	0
12	O&M Manual, Operations Plan	0	38,100	1,059	2,616	0	0	2,000	0	0
13	Startup and Training	0	26,160	540	164	0	0	0	0	0
14	Performance Certification	0	26,680	0	0	0	0	2,500	0	0
15	Telemetry	0	0	0	0	0	0	0	17,983	0
16	On-call Services									
	16.1 Biosolids Present and Eval	0	0	0	0	0	0	0		22,419
	16.2 Biosolids Preliminary Design									29,190
		62,936	1,840,022	268,082	161,024	15,800	5,000	59,250	17,983	51,609

The parties hereby reaffirm all other terms and conditions of the Agreement.

BROWN AND CALDWELL, INC.

CITY OF BROOKINGS

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: Bryan Paulson

Name: \_\_\_\_\_

Title: Vice President

Title: \_\_\_\_\_

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

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

# Brookings Biosolids Preliminary Design

## Estimated Level of Effort and Cost

June 3, 2005

LABOR CATEGORY	RATE \$/HR	EFFORT PER TASK										TOTAL	
		16.21		16.22		16.23		16.24		16.25		HRS	\$
		HRS	\$	HRS	\$	HRS	\$	HRS	\$	HRS	\$		
PROFESSIONAL													
EXECUTIVE ENGINEER	165		0		0		0		0		0	0	0
MANAGING ENGINEER	165	4	660	12	1,980	4	660	12	1,980	8	1,320	40	6,600
SUPERVISING ENGINEER	152		0		0		0		0		0	0	0
PRINCIPAL ENGINEER	135		0		0		0		0		0	0	0
SENIOR ENGINEER	120		0		0		0		0		0	0	0
ENGINEER	105	4	420	12	1,260	40	4,200	24	2,520		0	80	8,400
ASSOCIATE ENGINEER	90	16	1,440	80	7,200		0	24	2,160		0	120	10,800
ASSISTANT ENGINEER	75		0		0		0		0		0	0	0
SUBTOTAL		24	2,520	104	10,440	44	4,860	60	6,660	8	1,320	240	25,800
TECHNICAL													
SUPERVISING DRAFTER	105		0		0		0		0		0	0	0
SENIOR DRAFTER	75		0		0		0	8	600		0	8	600
SUBTOTAL		0	0	0	0	0	0	8	600	0	0	8	600
ADMINISTRATIVE													
SUPERVISOR	90	0	0		0		0	2	180		0	2	180
WORD PROCESSOR III	60	0	0		0		0	6	360		0	6	360
SUBTOTAL		0	0	0	0	0	0	8	540	0	0	8	540
TOTAL LABOR		24	2,520	104	10,440	44	4,860	76	7,800	8	1,320	256	26,940
BC APC AND DIRECT EXPENSES			120		520		880		380		350		2,250
TOTAL COST			2,640		10,960		5,740		8,180		1,670		29,190

### TASK DESCRIPTIONS:

- 16.21 Update Solids Production Quantities
- 16.22 Refine Cost Estimates of Alternatives
- 16.23 Assist with Pilot Testing
- 16.24 Prepare Preliminary Design Report
- 16.25 Attend Council Presentation

# CITY OF BROOKINGS POLICE DEPARTMENT

Chris Wallace, Chief of Police



To: Brookings City Council through City Manager Burke Raymond *Bm*

From: Police Chief Chris Wallace 27813/201

Date: August 8, 2005

RE: Traffic Safety Committee Recommendations

Council,

At the conclusion of the Traffic Safety Committee on July 12, 2005 the Traffic Safety Committee, having reviewed the agenda items, testimony and complaints, formulated the following recommendations:

## **Crosswalk on US 101 at Ransom:**

The Committee determined this is an issue for the Oregon Department of Transportation, Region 3 representative. A recommendation may, or may not, be forwarded to the Area 3 representative. A crosswalk at this location, with a light activated by the pedestrian to warn approaching traffic, would increase the safety of the pedestrians crossing at this location. Installation cost would be borne by ODOT.

## **Street Light at Julie Drive and Ransom Ave.**

A Street light at the intersection of Ransom Ave and Julie Drive would enhance the visibility of the intersection during the hours of darkness. A street light would help illuminate pedestrians on the adjacent sidewalks and crossing the street. Funding for the light is undetermined.

## **Parking Concerns on Ransom Avenue between Kevin Place and Fawn Drive.**

It has been recommended that the curb on the west side of Ransom Ave. from Kevin Place to Fawn Drive be painted red with signs posted No Stopping, Standing, Parking between signs, from 8 am to 5 pm, Monday to Friday to elevate the hazardous parking during the school days.

## **Excessive Speed on 5<sup>th</sup> Street from Timberline Drive to Easy Street.**

The Committee has tabled this matter until the completion of a traffic speed survey in this location is completed.

# CITY OF BROOKINGS




## STAFF REPORT

Date: August 17, 2005

To: Mayor Sherman and City Councilors

From: Ed Wait, Community Development Director

Through: Burke Raymond, Interim City Manager 

Subject: Brookings Urban Renewal Agency Advisory Committee

## REPORT

The Brookings Urban Renewal Agency (BURA) has been in existence for three years and is moving forward with some projects that were developed under the Urban Renewal Plan. The Urban Renewal Agency Chair and Commissioners (the City Council) are proposing the establishment of a Brookings Urban Renewal Agency Advisory Committee (BURAAC). The following is a suggested outline for this committee:

### Purpose:

The purpose of this committee will be to advise the Brookings Urban Renewal Agency on the implementation of the Urban Renewal Plans, including, but not limited to, the following:

- ✓ The timing, final design and funding for projects and activities listed in the plan
- ✓ The Annual or periodic work plans related to implementation of the Plan
- ✓ Minor or major amendments to the Plan
- ✓ The sponsoring of public events and other activities to gather input and communicate with the community regarding the Plan.

### Committee Composition:

- The composition of the committee would include a 7 member advisory group to be appointed by the chair with the consent of the Commission. Members of the BURAAC would serve as volunteers and shall not be monetarily compensated for their participation.

- The initial appointments to the BURAAC shall consist of one person representing each of the following categories. Insofar as possible, candidates selected who are residents of the Brookings Urban Renewal District area shall have preference in appointment.
- Finance, business, Arts, Parks, Transportation, Planning, Real estate.
- Members of the BURAAC may be removed by a consensus of the BURA for any reason and at any time during the member's term of appointment.
- Failure of a BURAAC member to attend 50% of the meetings will result in automatic termination of the member's appointment, unless the absence has been excused by the BURAAC.

#### Term of Appointment:

- The term of appointment to the BURAAC shall be for a period of three years. The BURA may shorten or stagger initial appointments of members of the BURAAC to provide for transition or regular turn over of members. No member will be eligible to serve more than two terms on the BURAAC.
- No member may serve on more than two BURAAC standing, special or advisory committees at any one time unless expressly approved by the BURA Commission.
- Vacancies created due to mid-term resignation or termination of a member shall be filled by appointment by the BURA Chair with the consent of the BURA Commission.

#### Officers, Terms of Office:

- At the first regular meeting of the BURAAC a chair and vice-chair will be elected, who shall hold a one-year term of office. The chair and vice-chair initially elected shall serve until the next annual meeting.
- No BURAAC member may serve more than two consecutive years in any one office.
- Vacancies in office due to mid-term resignation or removal of the officer shall be filled by election of the membership and shall be for the remainder of the vacant term of the office.

#### Commission and Staff Support:

A member of the BURA commission will be appointed and a staff member and/or members will be assigned to support and/or work in conjunction with the BURAAC, and will act as a formal liaison between the BURA commission and BURAAC membership as necessary. Commission and staff shall not be eligible to vote.

### RECOMMENDATION

Staff recommends the Council make any modifications to the proposed Brookings Urban Renewal Agency Advisory Committee outline. Direct Staff to develop a Resolution to incorporate this criteria and return said Resolution to Council for action.

**CITY OF BROOKINGS**  
**COMMON COUNCIL MEETING MINUTES**  
City Hall Council Chambers  
898 Elk Drive, Brookings, OR 97415  
August 8, 2005 7:00 p.m.

**I. Call to Order**

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

**II. Pledge of Allegiance**

The pledge of allegiance was led by the Council.

**III. Roll Call**

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

Council absent: none

Staff Present:

Interim City Manager Burke Raymond

Finance Director Paul Hughes

Administrative Assistant Donna Colby-Hanks

Media Present: *Curry Coastal Pilot* Reporter Brian Bullock

Others: 2 citizens

**IV. Ceremonies/Appointments/Announcements**

**A. Ceremonies**

1. *Yard of the Month – Ken Barkema and Elaine Orgill, 276 Allen Lane*
2. *Most Improved Yard – Dave and LaDonna Osburn, 530 Art Street*
3. *Commercial Property – Artistic Trends, 401 Oak*

**B. Appointments**

1. *Parks and Recreation Commission*

Mayor Sherman recommended Donald W. Gallian to Parks and Recreation Commission, position 2, to expire 02-01-08.

**Councilor Willms moved, a second followed, and the Council voted unanimously to appoint Donald W. Gallian to the Parks and Recreation Commission, position 2 to expire 02-01-08.**

**C. Announcements**

None

## V. Oral Requests and Communications from the Audience

### A. *Committee and Liaison reports*

#### 1. *Council Liaisons*

Councilor Willms attended a celebratory meeting for SOCC and met Representative Krieger, Senator Kruse, and the new president of SOCC. Willms advised funds have been obtained for the Brookings campus and the project should be started within a year.

Councilor Anderson attended a Community Agencies meeting.

Mayor Sherman attended a Curry County Commission for Children and Families Community Collaboration Planning Worksession and a Community Agencies meeting. Sherman also participated in the send off of the Senior Little League ball team to Portland.

Councilor Mickelson hadn't attended any meetings due to his travel schedule.

Councilor Gordon attended a Curry County Commission for Children and Families Community Collaboration Planning Worksession.

### B. *Unscheduled*

None.

## VI. Staff Reports

### A. *Finance Department*

#### 1. *Municipal Code Codification*

Finance Director Paul Hughes reviewed the staff report and stated the final step in the municipal code codification would be the printing of the document. Interim City Manager Burke Raymond discussed the steps needed to be taken to complete the process. He explained the document should go to the printer early in 2006 and the printing would be the most expensive part of the process. The Council discussed the timeline for the process.

**Councilor Gordon moved, a second followed, and the Council voted unanimously to dedicate funds for Codification of the Municipal Code Project.**

### B. *Community Development Department*

#### 1. *Intergovernmental Agreement for an Enterprise Geographic Information System (GIS)*

Interim City Manager Burke Raymond reviewed the staff report and discussed the advantages of having GIS.

**Councilor Mickelson moved, a second followed, and the Council voted unanimously to approve the Intergovernmental Agreement with Curry County.**

**C. City Manager**

1. *Economic Development Committee/Urban Renewal Advisory Committee*  
Interim City Manager Burke Raymond reviewed the staff report and recommended replacing the Economic Development Committee (EDC) with an Urban Renewal Advisory Committee. This committee would prioritize goals, review projects, and make recommendations to the Urban Renewal Agency for the Urban Renewal District.

**Councilor Anderson moved, a second followed, and the Council voted unanimously to rescind the Council action of March 22, 2004 forming the Economic Development Committee and establish an Urban Renewal Advisory Committee.**

Staff was instructed to present a report at the August 22, 2005 meeting outlining the duties, responsibilities, and the number of members on this newly established committee.

2. *Other*

The Council discussed the process for codifying the Land Development Ordinance and the public notices that would need to be provided. The Council felt it was important to receive input on which ordinances most needed updating from the Planning Commission.

**VII. Consent Calendar**

A. *Approval of Council Meeting Minutes*

1. *Meeting of July 25, 2005*

B. *Approval of vouchers for month of July, 2005 (\$771,202.64)*

***End Consent Calendar***

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

**VIII. Remarks from Mayor and Councilors**

A. *Council*

Councilor Mickelson was concerned with the liability exposure to the City when alcohol is allowed to be consumed on City property.

Councilor Gordon would like to see a follow-up on the alcohol issue and the possibility of it being eliminated on city premises.

Councilor Willms had no remarks.

Councilor Anderson was pleased to see the memo from the Interim City Manager regarding the opportunity to have an assessment of the public works operation. Anderson felt a Council/Planning Commission Worksession was needed to determine a starting point

for updating the Land Division Ordinance. He stated it was good to have the Building Official back in her office.

**B. Mayor**

Mayor Sherman stated the Curry County Commission for Children and Families Community Collaboration Planning Worksession meeting she attended provided statistics for the well being of children in Oregon. Curry County increased in the number child abuse and 8<sup>th</sup> grade alcohol use and between 2001 and 2003. The American Medical Association sees the alcohol consumption by children as a big problem. Councilor Anderson stated OSU had conducted a study that showed approximately 76% as working poor. He felt poverty greatly influenced the problem.

Robert Bare, Director of Curry Prevention Services discussed Meth Conferences at which Eric Martin was the spokesperson. Martin advised Curry County is 4<sup>th</sup>.

Burke Raymond discussed the current short-term treatments and meth recovery requiring a longer treatment program. After some discussion the Council came to the decision this topic would require additional discussion.

**IX. Adjournment**

**Councilor Mickelson moved, a second followed, and the Council voted unanimously by voice vote to adjourn the meeting at 8:15 p.m.**

Pat Sherman  
Mayor

ATTESTED by City Recorder this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

**MINUTES**  
**BROOKINGS PLANNING COMMISSION**  
**Regular Meeting**  
**July 12, 2005**

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

*Commissioners Present:*

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

*Staff Present:*

John Bischoff, City Planner; Dianne Snow, Senior Planner; and Cathie Mahon, Community Development Secretary

*Media:* Coastal Pilot reporter, Brian Bullock

*Other:*

Approximately 15 citizens in the audience.

**CHAIRPERSON ANNOUNCEMENTS**

None.

**MINUTES**

By a 6-1-0 vote (motion: Commissioner Dentino; Commissioner Smith abstained due to being absent at the last meeting) the Planning Commission approved the minutes of June 7, 2005, as written.

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

1. By a 7-0 vote (motion: Commissioner Smith) the Planning Commission approved the request for an extension of one year for the subdivision portion of a Planned Unit Development, *Pacific Terrace*, which was approved July 6, 2004; located at Old County and Marina Heights Road; Assessor's Map 40-13-32-CC Tax Lot 1500; File No. **PUD-1-04**; Bruce Brothers LLC, applicant.

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

Richard Wise, office manager for Bruce Brothers P. O. Box 61 Brookings, OR 97415

2. By a 7-0 vote (motion: Commissioner Collis) the Planning Commission approved the request for a final map for a subdivision at *The Cove*, a Planned Community, to divide a 0.88 acre parcel into 4 lots; located at Schooner Bay Drive; Assessor's Map 41-13-07AA, Tax Lots 2100 and 199; R-1-6, (6,000 square foot minimum lot size) and R-2 (Two-Family Residential) zones; Bill Moore for The Cove Homeowners Association.

## THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

1. By a 7-0 vote (motion: Commissioner Smith) the Planning Commission approved a request for a minor partition, File No. **M3-2-05**, to divide a .59 acre parcel into two lots; located at 610 Hassett Street; Assessor's Map 40-13-31DD, Tax Lot 4000; R-1-6, (6,000 square foot minimum lot size) zone; Cynthia Telford, property owner; Dan Telford, representative.

Commissioners Dentino, Dundom, Hedenskog, and Gorman declared *ex parte* with the subject property. There was no challenge from the audience as to the jurisdiction of the Commission to hear the request.

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

Dan Telford, representative      P. O. Box 4541      Brookings, OR.

The applicant waived his right to seven (7) days in which to submit written argument.

2. By a 7-0 vote (Motion: Commissioner Gorman) the Planning Commission approved the final ORDER and Findings of Fact for File No. **M3-2-05**.
3. By a 3-3 vote (motion: Commissioner Hedenskog) the Planning Commission did not approved File No. **VAR-2-05**, a request for a variance to have a non-conforming shed in the side yard and setback from the dwelling; located at 1003 Ruth Lane; Assessor's Map 41-13-06BA, Tax Lot 3110; R-1-6 (6,000 square foot minimum lot size) zone; William Burletson, applicant.

Before the public hearing began Commissioner Smith declared bias and left the bench and meeting room. Commissioners Collis, Dentino, Dundom, Gorman, and Hedenskog, 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

With a tie vote, discussion ensued. Commission Gorman recommended a new motion and a vote was taken:

By a 5-1 vote (motion: Commissioner Gorman; Commissioners Dentino, Collis, Gorman, Hedenskog, and Nishioka voted to deny the request; Commissioner Dundom voted against the motion) the Planning Commission denied the request for a non-conforming shed at the subject property; 1003 Ruth Lane.

The motion was as stated:

*That the Planning Commission deny the request due to the fact there are other options and solutions for the applicant, such as placement (of the shed) on the terrain in the backyard or to use the existing garage.*

Mrs. Jimmi Burletson entered into the record:

Exhibits A-E      5 photos of the subject property and shed.

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

Jimmie and William Burletson, applicants	1003 Ruth Lane	Brookings, OR
Richard and Betty Brown	815 Highland Avenue	Brookings, OR
Carl Pelaccio	810 Highland Avenue	Brookings, OR
Cynthia Rodriguez	1004 Ruth Lane	Brookings, OR
Dick Carlton	815 Midland Way	

A Final Order and Findings of Fact for File No. **VAR-2-05**, will be submitted for review and approval at the next meeting on August 2, 2005.

4. By a 7-0 vote (motion: Commissioner Dentino) the Planning Commission approved to have File No. **VAR-3-05** continued at the August 16, 2005, public hearing meeting.

### **UNSCHEDULED PUBLIC APPEARANCES**

None.

### **PLANNING STAFF COMMENTS**

Senior Planner Snow mentioned several items:

- City Council has expressed an interest in having another joint meeting with the Commission.
- The Commission asked Planner Snow to review the DIA's (Deferred Improvement Agreement) on Hassett Street, those properties that do not have sidewalks. They asked Snow to write a Memo to City Council regarding the need for a comprehensive plan for street improvements on the entire length of Hassett Street and to call-in DIA's so there would be continuous sidewalks on Hassett. This request was spurred after hearing the minor partition on Hassett Street (File No. M3-02-05), and realizing the applicant could end up being the only property with sidewalks.
- An appeal filed on the Commission's decision to approve File No. CUP-1-05, Fred Meyer storage on Mill Beach and Railroad. The appeal to City Council will be heard on July 25, 2005.

### **PROPOSTIONS AND REMARKS FROM COMMISSION MEMBERS**

- Commissioner Smith remarked perhaps a review of our current ordinances is one of the items to discuss for the joint meeting with City Council.
- Commissioner Gorman questioned storage of building materials on Railroad and Hemlock.

### **ADJOURNMENT:**

With no further business before the Planning Commission, the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

**BROOKINGS PLANNING COMMISSION**

  
Bruce Nishioka, Chairperson

**MINUTES**  
**BROOKINGS PLANNING COMMISSION**  
**Regular Meeting**  
**August 2, 2005**

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

*Commissioners Present:*

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

*Staff Present:*

John Bischoff, City Planner; Dianne Snow, Senior Planner; and Cathie Mahon, Community Development Secretary

*Media:* Coastal Pilot reporter, Brian Bullock

*Other:*

Approximately 20 citizens in the audience.

**CHAIRPERSON ANNOUNCEMENTS**

None.

**THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON FINAL ORDERS**

1. By a 5-1-1 vote (motion: Commissioner Collis; Commissioners Collis, Dentino, Gorman, Hedenskog, and Nishioka voted in the affirmative; Commissioner Dundum voted against the order, and Commissioner Smith abstained due to a conflict of interest) the Planning Commission approved the Final Order to denied the request for a variance to have a non-conforming shed located at 1003 Ruth Lane, William Burletson, applicant; File No. **VAR-2-05**.

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

1. By a 7-0 vote (motion: Commissioner Smith) the Planning Commission will send a recommendation to City Council to approve the request for an annexation of a 3,500± square foot parcel of land adjacent to the easterly side of Old County Road and a 2,940 ± square foot parcel adjacent to the northerly city limits and the westerly boundary of Tax Lot 1700, Assessor's Map 40-13-32-CA; parcels part of the *Pacific Terrace* Planned Unit Development (File No. PUD-1-04), Bruce Brothers LLC, applicant, File No. **ANX-1-05**.

Commissioners Hedenskog and Gorman 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:

Richard Wise, office manager for Bruce Brothers P. O. Box 61 Brookings, OR 97415

A 10 minute recess was declared at 9:12 p.m. The meeting reconvened at 9:22 p.m. with the same seven members present.

2. By a 6-1 vote (motion: Commissioners Dundom; Commissioners Collis, Dentino, Dundom, Gorman, Hedenskog, and Nishioka voted in the affirmative; Commissioner Smith voted against the request) the Planning Commission approved the request for a minor change to File No. **PUD-1-04/MC-1-05**, a Planned Unit Development, *Pacific Terrace*, to the setback requirements for R-2 (Two-Family Residential) zone be applied instead of SR-20 (Suburban Residential) zone; located at Old County and Marina Heights; Assessor's Map 40-13-32CC, Tax Lot 1500; Bruce Brothers, applicants.

The following supplemental conditions were included in the motion and added to the Conditions of Approval from the original meeting on July 6, 2004:

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

Front ----- 20 feet

Side ----- 5 feet

Rear ----- 5 feet

*Side and rear yard setback shall increase by ½ foot for each foot of building height over 15 feet. Building height shall be determined as defined in the Land Development Code. (Amended by the Planning Commission, August 2, 2005).*

Commissioners Hedenskog and Gorman 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:

Richard Wise, office manager for Bruce Brothers	P. O. Box 61 Brookings, OR 97415
Pete Caesar	935 Marina Heights Road Brookings, OR 97415
Jim Gardner	P. O. Box 1286 Gold Beach, OR
Pearl Casovia	P. O. Box 6302 Brookings, OR 97415

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

3. By a 6-1 vote (motion Gorman) the Planning Commission approved the Final ORDER and Findings of Fact for File No. **PUD-1-04/MC-1-05**.
4. By a 7-0 vote (motion: Commissioner Smith) the Planning Commission voted to send to City Council a recommendation to not approve the request for an annexation of 8 tax lots located along Parkview Drive between Hampton Lane and Vista Ridge Drive; identified as Assessor's Map 40-13-31B, Tax Lots 1317, 1321, 1398, 1801, 1900 and Assessor's Map 40-13-31CB, Tax Lots 1300, 1400, and 1401 along with the segments of Parkview Drive between Hampton Lane and Welch Court, between Vista Ridge Drive and the easterly boundary of the Vista Ridge Subdivision and that portion of Gowman Lane, west of Vista Ridge Drive to the westerly boundary of Vista Ridge Subdivision; File No. **ANX-2-05**, City initiated.

The Commission requested the following questions and concerns be forwarded to City Council:

- Property owners who do not want to annex, should not be forced to annex.
- Is it necessary to upgrade the water main on Parkview Drive to a 10" main for the full length; and if necessary, should it be done prior to the (County's) overlay of Parkview?
- The Commission requested that the complaints (as heard at the meeting) of drainage from the *Vista Ridge Subdivision* causing problems on Parkview Drive be addressed prior to the overlay.
- Before the overlay, the water and sewer mains should have a "T" that would allow future extension into Dodge Avenue should be considered.

Commissioners Dentino, Dundom, Hedenskog, Smith and Gorman declared ex parte due to familiarity with the subject properties by either living or driven in the subject area. 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 answers regarding the request from the following:

Daniel Loeffelholz	96975 Rustic Road	Brookings
Theodore Tsunokai	17136 Parkview Drive	Brookings
Earl Layne	17119 Parkview Drive	Brookings
Paul Guernsey	17163 Parkview Drive	Brookings

## THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON COUNTY REFERRALS

- 1, By a 7-0 vote (Motion: Commissioner Collis) the Planning Commission will send a favorable recommendation to Curry County in the matter of File No. **CR-AD-0523**, for a conditional use permit to construct a 110 foot high monopole telecommunications tower with panel antennas. A 12' x 20' prefabricated equipment building, 10 feet in height, will be located at the base of the tower; located at the intersection of 17344 Carpenterville Road and Highway 101; Assessor's Map 40-14-25; Tax Lot 1305; US Cellular, applicant; Allen Potter for Eagle Consulting Group, representative; South Coast Lumber, property owner.

Recommendations will be forwarded to the county:

- No lighting shall be permitted on the tower except as required by the FAA.
- No advertising or signs of any type are to be placed on the tower except those required or necessary for safety and warnings.

## UNSCHEDULED PUBLIC APPEARANCES

None.

## PLANNING STAFF COMMENTS

City Planner Bischoff updated the commission:


- File No. **MPD-1-04, Remand**, the Lone Ranch Master Plan of Development. The remand is the applicant's (U.S. Borax) response to the LUBA (Land Use Board of Appeals) remand concerning two issues: lot size and the *Western Lilies*. The public hearing for the Remand goes before City Council on August 22, 2005 at 7:00 p.m.
- Bischoff also reminded the Commission about the Annual City Picnic schedule for August 27<sup>th</sup> at Azalea Park.
- A reminder that the second meeting of the month for the Planning Commission is scheduled August 16, 2005.

## ADJOURNMENT:

With no further business before the Planning Commission, the meeting was adjourned at 12:08 p.m.

Respectfully submitted,

**BROOKINGS PLANNING COMMISSION**



Bruce Nishioka, Chairperson