



# Agenda

City of Brookings

Common Council Meeting

Brookings City Hall Council Chambers

898 Elk Drive, Brookings Oregon

September 12, 2005 7:00 p.m.

VAULT COPY

**Before the regular Common Council meeting there will be an Executive Session under the authority of ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed beginning at 6:00 p.m. The Common Council meeting will begin at 7:00 p.m.**

## **I. Call to Order**

## **II. Pledge of Allegiance**

## **III. Roll Call**

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

### **A. Ceremonies**

1. Proclamation – Fall Clean-Up [page 5]
2. Proclamation – National Emblem Club Week [page 7]
3. Yard of the Month – Dina Grossman, 7001 Welch Court [page 9]  
Most Improved Yard – Robert & Linda Donaca, 839 Old County Road [page 11]  
Commercial Property – Wild Rivers Motorlodge, 437 Chetco Ave. [page 13]

### **B. Appointments**

### **C. Announcements**

## **V. Public Hearing**

- A. A request for annexation of 8 lots located along both sides of Parkview Dr. and annexation of the segment of Parkview Dr. that extends north from Hampton Ln. to Welch Ct. and east of Vista Ridge Dr. to the easterly boundary of the Vista Ridge Subdivision and of Gowman Ln. west of Vista Ridge Dr. to the westerly boundary of the Vista Ridge Subdivision. [page 15]
- B. A request for annexation of a 3,600± sq. ft. parcel located at the northerly city limits adjacent to the east side of Old County Rd. and a 2,940 sq. ft. parcel located adjacent to the northerly city limits and the westerly boundary of Tax Lot 1700, which is in the city limits. [page 57]
- C. An appeal of the Planning Commission denial of a variance request for a reduction in the side yard setback area and the required setback from the dwelling to accommodate a non-conforming, 66 sq. ft. garden shed. The subject property is located at 1003 Ruth Lane in a Single Family Residential (R-1-6) Zone. [page 85]

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

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



## **VII. Staff Reports**

- A. Community Development Department**
  - 1. Quitclaim Deed for a 10' strip of land adjacent to Matot Street [page 107]
  - 2. Contract for emergency generator for water treatment plant [page 113]
  - 3. Easement Deed over a portion of Parcels 1 and 2, Murray Partition Plat 2005-31 [page 117]
  - 4. Geographic Information System (GIS) grant acceptance [page 123]
- B. City Manager**
  - 1. City Manager Recruitment – Public input on characteristics [page 127]
  - 2. Review of Ordinance No. 315 regulating the consumption and possession of alcoholic beverages on public premises [page 129]
  - 3. Other

## **VIII. Consent Calendar**

- A. Approval of Council Meeting Minutes**
  - 1. Meeting of August 22, 2005 [page 133]
- B. Acceptance of Planning Commission Minutes**
  - 1. Meeting of August 16, 2005 [page 141]
- C. Approval of vouchers for month of August, 2005 (\$ 385,324.38) [page 145]**

### **End Consent Calendar**

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

- A. Final Orders**
  - 1. In the matter of an appeal of File No. APP-1-05 an appeal of Planning Commission approval of File No. CUP-2-05, a conditional use permit for a temporary use to store materials and equipment; Fred Meyer Stores, applicant; Steve Bismarck, appellant. [page 149]
  - 2. In the matter of Planning Commission File No. ANX-1-05; application for approval of an annexation, Bruce Brothers, LLC, applicant. [page 153]
- B. Ordinances**
  - 1. In the matter of Ordinance No. 05-O-568, amending the city limits and zoning map of the City of Brookings by annexing a 3,600 sq. ft. parcel and a 2,940 sq. ft. parcel, and rezoning the parcels SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size) as described in Exhibit "A1" and "A2". [page 155]

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

- A. Council**
- B. Mayor**

## **XI. Adjournment**

# Events

## October 2005

October 2005							November 2005						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					October 1
					2
					3
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	12:00pm Comnity Agencies mtg (Chetco Sr.Ce 2:30pm CC-SafetyComMtg/ Kathy Dunn 7:00pm FH-PoliceReserves	8:15am CC-CmtyDevDpt Staff mtg/EWait 9:00am CC-Crm Stoppers 10:00am CC- Site Plan Com Mtg/LauraLee Gray		8
					9
					10
10:00am CC Ingrid for ODOT 957-3542 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	9:30am CC Office of Admin Hearings Ann Redding 503 945-5547	8:15am CC-CmtyDevDpt Staff mtg/EWait 10:00am CC- Site Plan Com Mtg/LauraLee Gray		15
					16
					17
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		8:15am CC-CmtyDevDpt Staff mtg/EWait 10:00am CC- Site Plan Com 1:00pm CC-Municipal Court 2:00pm CC-CEP (Citizens for		22
					23
					24
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)	7:00pm Planning Commission Mtg	8:15am CC-CmtyDevDpt Staff mtg/EWait 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Parks & Rec	4:00pm FH Helmet Instruction w/Marvin 2259	29
					30
7:00pm FH-FireTng/ChShrp (Fire Hall)					31

# Events

## September 2005

September 2005							October 2005						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
4	5	6	7	8	9	10	2	3	4	5	6	7	8
11	12	13	14	15	16	17	9	10	11	12	13	14	15
18	19	20	21	22	23	24	16	17	18	19	20	21	22
25	26	27	28	29	30		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	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	11:00am CC Lone Ranch Community Dev 12:00pm Comnity Agencies mtg (Chetco Sr.Ce 1:00pm CC-Borax/SOCC/Comr 2:30pm FH-SafetyComMtg/ 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
					AMF 1 pm Humbolt St. Lumberjad
12	13	14	15	16	17
7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	9:30am CC Open house Donald Wilcox Public 9:30am KURY Radio Community Focus 10:00am FH-Brookings Rural 7:00pm FH CEP Educational	CC Elections when available 1:00pm David Neighbor Harris Beach 469-0224 5:00pm CC-Victims Impact Panel-Mindy-Curry Prevention Service	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 Joyce	9:30am FH Traffic Safety Committee Mtg	10:00am "Know Your Neighborhoods" Mayor's Walk
					18
					AMF Tsunami-Swing Band 1 pm
19	20	21	22	23	24
CC Elections when available 9:30am CC-VIPS/Volunteers in Police Service-BP 1:00pm Municipal Court 6:00pm CC-American Red 7:00pm FH-FireTng/ChShrp	8:30am CC-Investigator/Patrol Information Sharing 9:30am KURY Radio Community Focus 7:00pm CC Planning	FH Auditors 10:00am CC LDC committee	8:15am CC-CmtyDevDpt Staff mtg/EWait 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Parks & Rec Comm/City Manager		8:00am CC Traffic School with Marvin 2259
					25
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	



# PROCLAMATION

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

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

WHEREAS, everyone loves a bargain;

NOW, THEREFORE, I, Pat Sherman, Mayor of the City of Brookings, do hereby proclaim the months of September and October, 2005, as

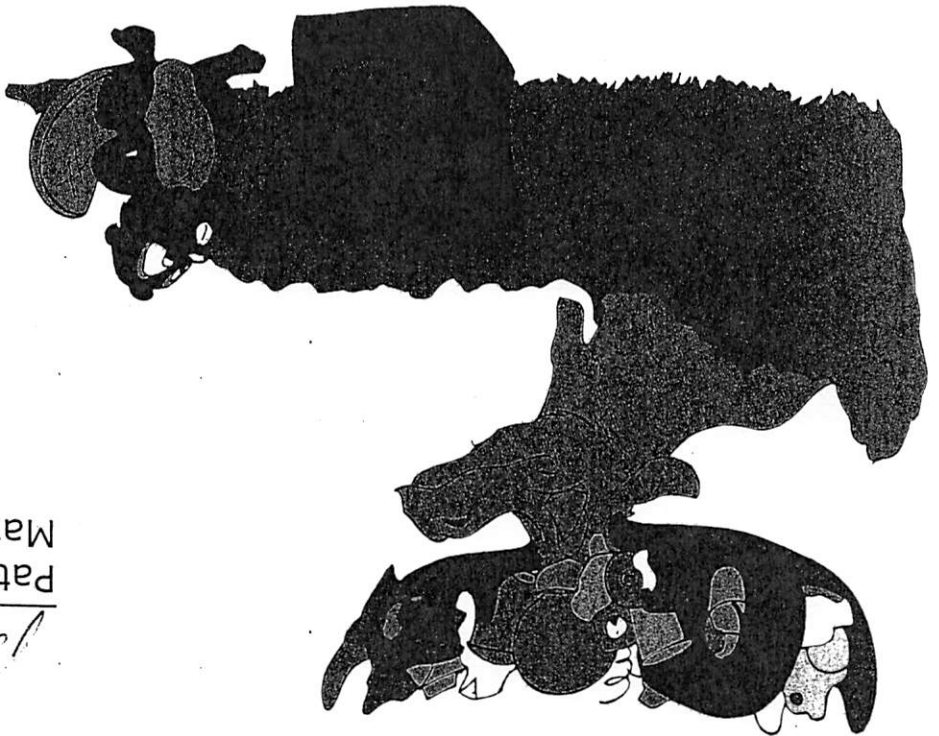
"FALL CLEAN-UP TIME IN BROOKINGS-HARBOR"

And ask all citizens to pitch-in, join the Community Pride Partnership Clean-Up Program and take advantage of the free clean up opportunities offered by Curry Transfer and Recycling, and show pride in our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Brookings to be affixed this 12th day of September, 2005.

*Pat Sherman*

Pat Sherman  
Mayor



# PROCLAMATION

**WHEREAS**, the members of the Supreme Emblem Club of the United States of America, in promulgating community service, have actively engaged in seeking out the worthy and the needy in every community, and

**WHEREAS**, their assistance and guidance to young men and women is evidenced by great numbers of scholarships, assuring the advanced education of the deserving, and

**WHEREAS**, the needs of the aged, the crippled, the mentally retarded, and the handicapped, the hospitalized, the veterans, and the poor are considered and fulfilled insofar as can be, and

**WHEREAS**, the members are vitally concerned with the immediate and permanent needs of those placed in stress by reason of flood, quake, hurricane, and other disasters of nature, and

**WHEREAS**, these are dedicated to the principle of philanthropic endeavor, and

**WHEREAS**, be it resolved that the deeds of dedicated, charitable members of the Supreme Emblem Club of the United States of America be recognized,

**NOW, THEREFORE**, I, Pat Sherman, Mayor of the City of Brookings, Oregon, do hereby proclaim the week of September 18, 2005, through September 24, 2005, as

## NATIONAL EMBLEM CLUB WEEK



Pat Sherman  
Mayor



# Yard of the Month

**Dina Grossman**



7001 Welch Court, Brookings, Oregon

Location

September 2005

For Month and Year

September 12, 2005

Date

Pat Sherman, Mayor of the City of Brookings

*Pat Sherman*

Burke Raymond, Interim City Manager of the City of Brookings

*Burke Raymond*



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





# Most Improved Property of the Month

Robert & Linda Donaca



839 Old County Road, Brookings, Oregon

Location

September, 2005

For Month and Year

September 12, 2005

Pat Sherman, Mayor of the City of Brookings

Date

Burke M. Raymond, Interim City Manager of Brookings



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





# Commercial Property of the Month

## Wild Rivers Motorlodge

437 Chetco Avenue

Location

September 2005

For Month and Year

September 12, 2005

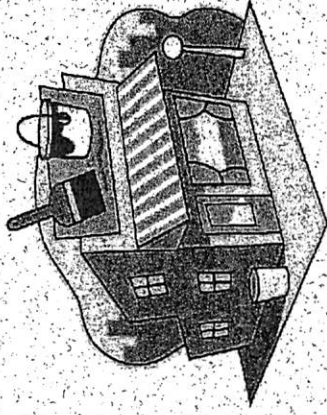
Date

Pat Sherman, Mayor of the City of Brookings

Burke M. Raymond, Interim City Manager of the City of



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



TO: Mayor and City Council  
FROM: Dianne Snow, Senior Planner  
THROUGH: Burke Raymond, City Manager  
DATE: August 31, 2005



Issue: A request for annexation of 8 tax lots located along both sides of Parkview Dr. and annexation of the segment of Parkview Dr. that extends north from Hampton Ln. to Welch Ct. and east of Vista Ridge Dr. to the easterly boundary of the Vista Ridge Subdivision and of Gowman Ln. west of Vista Ridge Dr. to the westerly boundary of the Vista Ridge Subdivision.

Background: Each of the subject tax lots have an agreement to annex that was recorded at the time the City provided water service to the property. The City Council recommended the annexation of these properties be initiated by the City to provide an opportunity for sewer service to each of these properties prior to the County Road Department repaving Parkview Dr. Once re-paving occurs the asphalt can not be cut to install utilities for at least 5 years. Attached you will find a copy of the Staff Report, dated May 4, 2005, from Ed Wait, Community Development Director, to the Mayor and City Councilors regarding this matter (Page 3), and a portion of the minutes from your May 9, 2005 meeting containing your decision (Page 4).

The 8 property owners have been sent a letter informing them that with the annexation of their property they will not be required to connect to sewer service at this time. They will be required to pay the "tap-in" fee to place the sewer lateral to the property line. The cost is \$995.00 and will provide the ability to connect to sewer service at a future date if they should choose to hook up or need to hook up due to a failed septic system. The Curry County Sanitarian has documented several septic systems in this area that have experienced problems and have limited room for repairs. Tax lot 1400; Map 40-13-31CB, the Schutte property, had repairs to the septic system and, in a letter dated June 6, 2005, the Sanitarian recommended hooking to City sewer as soon as possible. On pages 5-7 of this staff report is a list of the 8 subject property owners, their addresses, map and taxlot numbers, and total fees if they should choose to receive sewer service now. Some of these properties have the potential to create additional parcels when they receive sewer service. The charges would increase if they want multiple lateral connections. System Development Charges (SDC's) can be financed at 10% over a 10 year period.

During the past few weeks other property owners along Parkview Dr. have come in to discuss the possibility of receiving sewer service. On page 6 I have listed four additional property owners who have met with staff and requested sewer laterals be installed so they don't miss this opportunity to

connect. They will sign Consent to Annex forms and go through the annexation process in the near future. I have numbered the 8 properties that are part of this annexation and lettered the 4 properties wishing to annex in the future so you can identify them on the map found on page 7.

As is stated in the Planning Commission Staff Report, the City has adequate sewer and water facilities to serve the subject properties. The County has jurisdiction for storm drainage on Parkview Dr.

Currently the subject properties have a tax rate of \$7.0810 per \$1,000. of assessed value. When annexed the tax rate would be \$10.7367. This is an increase of \$3.6557 per \$1,000. of assessed value. Some of the benefits of annexation are the potential to create additional parcels, City Police protection, ability to vote on City issues and water service fees are 50% less for properties inside City limits.

Following this 7 page staff report is the Planning Commission staff report and correspondence from some of the property owners subject to this annexation request.

**Recommendation:**

The Planning Commission made the following recommendation:

- Property owners who do not want to annex, should not be forced to annex.
- Prior to the County re-paving Parkview Dr., the City should review the water line from property owned by Randy Gorman, at 1074 Parkview Dr., to the Vista Ridge Subdivision to determine if it needs to be upgraded.
- Complaints, as heard at the meeting, regarding drainage from the Vista Ridge Subdivision causing problems on Parkview Dr. should be addressed prior to the County's re-paving project.
- Determine whether water and sewer mains should have a "T" that would allow future extension into Dodge Avenue.

The staff recommends any properties approved for annexation be re-zoned to Single Family Residential (R-1-6).

# CITY OF BROOKINGS



## STAFF REPORT

Date: May 4, 2005

To: Mayor Sherman and City Councilors

From: Ed Wait, Community Development Director

Through: Leroy Blodgett, City Manager

Subject: Parkview Drive Deferred Improvement Agreements (DIA's)

## REPORT

The county is in the process of planning to pave Parkview Drive in their next budget cycle for FY 2005 thru 2006. They have sent notices to all the property owners that could be impacted by this overlay (attached). The critical piece, of importance to the city, is no pavement cuts will be allowed on Parkview for a period of 5 years except for emergency maintenance. This has triggered a number of inquiries to the city about potential annexation, services and cost.

Seven property owners on Parkview Drive have Deferred Improvement Agreements that were created when they received water service from the city. At that time no sewer was available and no street improvements planned. These conditions have changed and we now have the ability to determine that the deferment no longer exists. With the deferment no longer existing we have the ability to call all DIA's in and require that all public improvements be constructed.

The cost elements for water and sewer, system development fees, annexation fees, and paybacks are easily determined. However, one component of the cost element is the requirement for public street improvements (curb, gutter, and sidewalks). One option is to require all participants to construct the improvements and construct their curb, gutter and sidewalk when brought into the city. This could create potential islands of sidewalks that are not contiguous and scattered throughout the area. The second option is to allow deferred improvement agreements until such time as a contiguous sidewalk profile can be achieved for these improvements only.

## RECOMMENDATION

Staff recommends that the existing DIA's be called in and those properties affected are annexed into the city.

Staff requested the ability to determine the most compatible strategy to work with the property owners on Parkview Drive and determine if DIA's are applicable as properties move forward with annexation.



# FROM CITY COUNCIL MINUTES MAY 9, 2005

## 2. *Parkview Deferred Improvement Agreements*

Community Development Director Ed Wait reviewed the staff report regarding Deferred Improvement Agreements (DIA) on Parkview Drive. The Council discussed the procedure for calling in DIAs and annexations, septic systems and their ages, locations of existing sidewalks, and this decision setting a precedent for future DIAs. The Council agreed this decision would not limit the Council to further discussion on DIAs and suggested staff develop a plan for other DIAs to be called in.

Bob Covey, 16987 Parkview Drive, Brookings, felt a decision needs to be made and the best time to install sewer lines would be prior to sidewalk and street work.

Jeff Holmes, 17350 Holmes Drive, Brookings, felt a patchwork of sidewalks creates a hazard.

Barbara Nysted, 427 Buena Vista Loop, Brookings, questioned the procedure for older neighborhoods without DIAs to receive improvements. City Manager Blodgett explained a vote was needed to form a local Improvement District; however, it was a separate issue.

**Councilor Anderson moved, a second followed, and the Council voted unanimously to accept the three recommendations from the staff report to call in annexations and DIAs on Parkview Drive.**

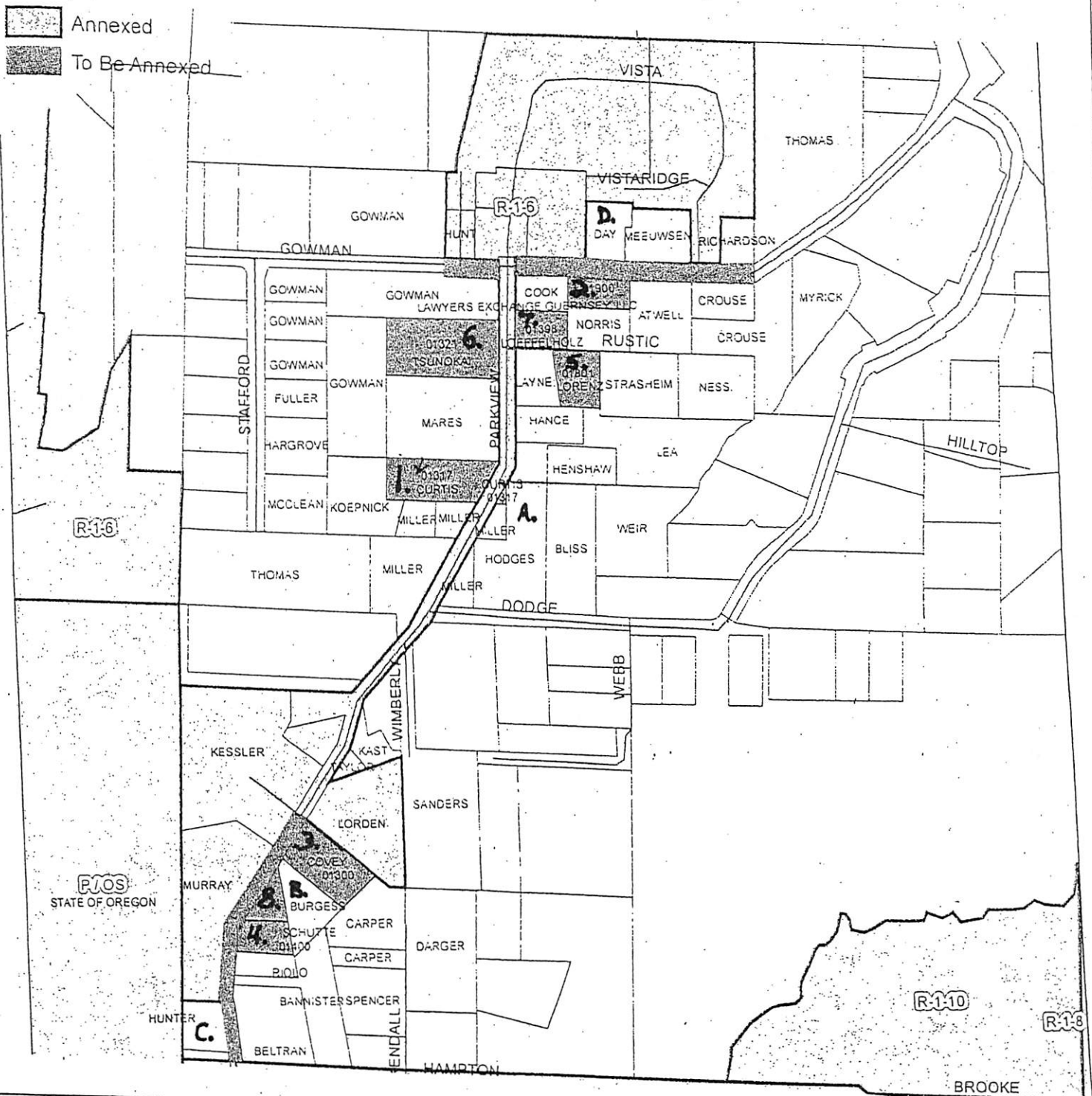
# PARKVIEW ANNEXATION PROPERTIES

<u>Owner</u>	<u>Possible Dwelling Units</u>	<u>Fees for Sewer Connection</u>
1. Ed Curtis 17094 Parkview Dr. Map 40-13-31B; 1317	2-4 DU	Tap in fee: \$ 985.00 Account fee: \$ 10.00 Lateral fee: \$ 50.93 SDC: \$6,700.00 Pay Back: <u>\$6,490.00</u> TOTAL: \$14,235.93
2. Paul & Janice Guernsey 17163 Parkview Dr. Map 40-13-31B; 1900	2 DU	Tap in fee: \$ 985.00 Account fee: \$ 10.00 Lateral fee: \$ 50.93 SDC: \$6,700.00 Pay Back: <u>\$3,128.00</u> TOTAL: \$10,873.00
3. Robert & Nancy Covey 16987 Parkview Dr. Map 40-13-31CB; 1300	2-4 DU	Tap in fee: \$ 985.00 Account fee: \$ 10.00 Lateral fee: \$ 50.93 SDC: \$6,700.00 Pay Back: <u>\$5,942.00</u> TOTAL: \$13,687.93
4. James Schutte 16957 Parkview Dr. Map 40-13-31CB; 1400	1-2 DU	Tap in fee: \$ 985.00 Account fee: \$ 10.00 Lateral fee: \$ 50.93 SDC: \$6,700.00 Pay Back: <u>\$2,346.00</u> TOTAL: \$10,091.93
5. David & Marjorie Lorenz 96990 Rustic Lane Map 40-13-31B; 1801	1 DU	Tap in fee: \$ 985.00 Account fee: \$ 10.00 Lateral fee: \$ 50.93 SDC: <u>\$6,700.00</u> No pay back – no st. frontage TOTAL: \$7,745.93
6. Theodore & T. Tsunokai 17136 Parkview Dr. Map 40-13-31B; 1321	5-7 DU	Tap in fee: \$ 985.00 Account fee: \$ 10.00 Lateral fee: \$ 50.93 SDC: \$6,700.00 Pay Back: <u>\$10,555.00</u> TOTAL: \$18,300.93

<u>Owner</u>	<u>Possible Dwelling Units</u>	<u>Fees for Sewer Connection</u>
7. Daniel & D. Loeffelholz 96990 Rustic Lane Map 40-13-31B; 1398	1-2 DU	Tap in fee: \$ 985.00 Account fee: \$ 10.00 Lateral fee: \$ 50.93 SDC: \$6,700.00 Pay Back: <u>\$2,971.00</u> TOTAL: \$10,716.93
8. Lynn Weir 16171 Parkview Dr. Map 40-13-31CB; 1401	1 DU	Tap in fee: \$ 985.00 Account fee: \$ 10.00 Lateral fee: \$ 50.93 SDC: \$6,700.00 Pay Back: <u>\$2,033.00</u> TOTAL: \$9,778.93

#### PROPERTIES NOW REQUESTING ANNEXATION AND CITY SERVICES

- A. Becky & Donald Hodges  
17094 Parkview Dr.  
Map 40-13-31B; 1600
- B. Kenneth and Carol Burgess  
16979 Parkview Dr.  
Map 40-13-31CB; 1301
- C. Scott and Sonja Hunter  
1105 Parkview Dr.  
Map 40-13-31C; 401
- D. Claude Cooley  
17166 Parkview Dr.  
Map 40-13-31B; 406



Applicant: 8 Tax Lots

Assessor's No: 40-13-31B Tax Lots 1317, 1321, 1398, 1801, 1900  
40-13-31CB, Tax Lots 1300, 1400, 1401

Location: Parkview Drive

Zone: R-1-6, (6,000 square foot minimum lot size)





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

SUBJECT: Annexation  
FILE NO: ANX-2-05  
HEARING DATE: August 2, 2005

REPORT DATE: July 21, 2005  
ITEM NO: 8.3

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**GENERAL INFORMATION**

APPLICANT: City of Brookings.

REPRESENTATIVE: City Staff.

REQUEST: Annexation of 8 Tax Lots located along both sides of Parkview Dr. and annexation of the segment of Parkview that extends north from Hampton Ln. to Welch Ct. and east of Vista Ridge Dr. to the easterly boundary of the Vista Ridge Subdivision and of Gowman Ln. west of Vista Ridge Dr. to the westerly boundary of the Vista Ridge Subdivision. Each of the subject Tax Lots have an agreement to annex that was recorded at the time the city provided water service to the property.

TOTAL LAND AREA: 4.77± acres total.

LOCATION: Along both sides of Parkview Dr. North of Hampton Ln.

ASSESSOR'S NUMBER: 40-13-31B, Tax Lots 1317, 1321, 1398, 1801, 1900; Map 40-13-31CB, Tax Lots 1300, 1400, 1401.

**ZONING / COMPREHENSIVE PLAN INFORMATION**

EXISTING: T/L 1317 and 1321—County R-3 (Residential Three); T/L 1300, 1398, 1400, 1401, 1801, and 1900—County R-2 (Residential Two).

PROPOSED: City zoning depending on topography.

SURROUNDING: County R-2 on east side of Parkview; County R-1 (Residential One) and R-3 on the west side of Parkview Dr.

COMP. PLAN: County Residential.

PROPOSED: City Residential.

**LAND USE INFORMATION**

EXISTING: All of the subject lots have single family houses.

PROPOSED: Same.

SURROUNDING: Single family homes with interspersed vacant lots.

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

## BACKGROUND INFORMATION

This action has been initiated by the city to cause those lots along Parkview Dr. that have signed and recorded Annexation Agreements to be annexed to the city. Parkview Dr. from Welch Ct. north to where it makes a 90° turn to the east was annexed to the city in 2002. Seven of the eight lots have frontage on Parkview and four of those are fronting on the portion of the street that is currently in the city limits. Three of the lots front on Parkview south of Welch Ct. on a portion of the street that is not currently in the city limits but are across the street from property that is in the city, and thus are considered to be contiguous. One of the subject tax lots is currently landlocked in that it has only an easement access but is adjacent to one of the other lots subject to this annexation and thus contiguous. Each tax lot is described in detail below. See Exhibit 1.

## PROPOSED ANNEXATION

The city is proposing to annex all eight of the tax lots discussed above and two segments of Parkview Dr. and a small portion of Gowman Ln. Each of these tax lots have a signed and recorded agreement to annex as a provision of being provided with city water. This annexation will also include the segment of Parkview between Hampton Rd., which is the current city limits on the east side of Parkview Dr., and Welch Ct. and thus bring all of Parkview south of the 90° turn into the city. The portion of the east/west segment of Parkview Dr. from Vista Ridge Dr. to the easterly boundary of the Vista Ridge Subdivision and a portion of Gowman Ln. extending west 100 feet from Parkview Dr. to the westerly boundary of the Vista Ridge Subdivision are included in this annexation. The street segments to be annexed will bring all of Parkview Dr. and Gowman Ln. that are currently adjacent to the city limits into the city. Although the streets will be within the city limits, they will stay in the county's jurisdiction for maintenance purposes until the city and county agree to the degree of improvement that must be obtained before the city takes jurisdiction.

## ANALYSIS

### Application Requirements

- A. *Vicinity map identifying the proposed area of annexation and existing City limits.*

A vicinity map is attached to this report.

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

All of the parcels in this application have a signed "consent to annex" form recorded as an agreement to receive city water. See the detailed map, Exhibit 1.

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

Copies of the consent to annex forms are attached to this report. The forms are on legal size paper and only the top portion of the form, which contains the tax lot and map number has been copied.

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

The metes and bounds will be provided for the ordinance if the annexation is approved.

- E. *Specific information on each parcel within the territory proposed to be annexed as follows:*
1. *Current assessed valuation as shown on the Curry County Assessor's tax rolls.*
  2. *Acreage.*
  3. *Map and tax lot number.*
  4. *Owner or owners of record and/or registered electors residing on the premises of the subject parcel.*

See Finding No. 2 Below.

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

See Finding No. 2 Below.

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

See Finding No. 2 Below.

H. *Adjoining land uses.*

The vicinity surrounding the parcels to be annexed is developed with single family homes on lots of various sizes with scattered vacant lots. Many of the lots on the east side of Parkview Dr. are land locked in that their only access is via easement. The area to the north of Parkview Dr. and Gowman Ln. along both sides of Vista Ridge Dr. is within the city limits. Eiler Creek flows from the north easterly intersection of Parkview Dr. and Dodge Ave. to the Southwesterly intersection of Parkview and Dodge, where it crosses Parkview and then parallels the west side of Parkview to Harris Beach Park.

I. *Written findings of fact prepared by the petitioner(s) or petitioner(s) representatives, which address the following:*

**FINDINGS**

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

All eight lots subject to this annexation have houses on them.

2. *Existing zoning and comprehensive plan designations within the territory.*

**Assessor's Map 40-13-31B**

Tax Lot 1317, County R-3 (Residential Three) Zone.

Situs address—17094 Parkview Dr.

Owner — Edward Curtis

This is a rectangular shaped, 0.83 acre (36,155 sq. ft.) parcel, located on the west side of Parkview Dr. approximately 350 feet north of Dodge Ave. with 141 feet of frontage on Parkview, a northerly boundary of 330 feet, a westerly boundary of 120 feet, and southerly boundary of 330 feet. The southeasterly most corner of this parcel is actually located on the east side of Parkview Dr. (see Exhibit 1). Topographically this parcel is essentially flat with a gentle drop in the back to a shallow ravine. The driveway into this property is shared with another parcel located to the west of and adjoining the subject parcel. Although it contains 36,000 sq. ft., this parcel is only 120 feet wide and thus will not support a new standard street of 45 feet in width to allow a subdivision. The buildings on the lot appear to be setback from the street far enough to allow for a flag lot partition. This lot has an assessed value of \$103,780.

Tax Lot 1321, County R-3 (Residential Three) Zone.

Situs address — 17136 Parkview Dr.

Owner — Theodore and Thelma Tsunokai

This is a rectangular shaped parcel located on the west side Parkview Dr. approximately 140 feet south of where Parkview Dr. makes the 90° turn to the east. This parcel is the largest of the subject eight lots, with 1.35 acres (58,806 sq. ft.) and 175 feet of frontage on Parkview and a northerly boundary of 330 feet. The westerly and southerly boundaries are 175 and 330 feet respectively. Topographically this parcel is essentially flat with a gentle downward slope to the south west. This parcel has the potential to be subdivided and can yield as many as 7 lots, depending on where the existing house is located on the property. This lot has an assessed value of \$186,430.

Tax Lot 1398, County R-2 (Residential Two) Zone.

Situs address — 96975 Rustic Rd.

Owner — Daniel and Deborah Loeffelholz

This is a rectangular shaped parcel of 0.38 acres (16,552 sq. ft.) located on the east side of Parkview Dr. approximately 110 feet south of the 90° turn. This parcel has 110 feet of frontage on Parkview, a north boundary of 150 feet, an easterly boundary of 110 feet, and a south boundary of 150 feet. Rustic Rd. is a named easement that intersects the north/south segment of Parkview Dr. at the south side of this tax lot and serves five lots located to the east of Parkview. This parcel is essentially flat with a gentle rise toward the back where the house is located. Although large enough to divide into two lots, the location of the house prevents further division. This lot has an assessed value of \$150,640.

Tax Lot 1801, County R-2 (Residential Two) Zone.

Situs address — 96990 Rustic Rd.

Owner — David and Marjorie Lorenz

This is a trapezoidal shaped, 0.49 acre (21,344 sq. ft.), parcel located on the east side of Parkview Dr. adjacent to the south east corner of Tax Lot 1398. This is the landlocked parcel that is easement accessed from Parkview. This parcel has a northerly boundary of 138 feet, an easterly boundary of 170 feet and southerly and westerly boundaries of 112 and 178 feet respectively. This parcel is flat with a slight downward slope to the south. Although it is large enough to divide into three lots, the location of the house on the lot is such that only one additional lot could be created. However, the fact that it has only easement access prevents any further division of the parcel. This lot has an assessed value of \$71,880



Tax Lot 1900, County R-2 (Residential Two) Zone.

Situs address — 17163 Parkview Dr.

Owner — ~~Carina Moran~~ **GUERNSEY**

This is a rectangular shaped, 0.40 acre (17,424 sq. ft. parcel, parcel located on the south side of the east/west segment of Parkview Dr. approximately 170 feet east of Vista Ridge Dr.. This parcel has 185 feet of frontage on Parkview, an easterly boundary of 98 feet, a south boundary of 185 feet and a west boundary of 98 feet. The driveway enters the property at the westerly boundary and the lot has been graded level so as Parkview rises a bank drops from the road to the lot to a height of 6 to eight feet at the easterly end. The back of the lot drops slightly to the adjoining property to the south. Technically this parcel could be divided into two or three lots depending on the location of the existing house or if the house is removed. This lot has an assessed value of \$86,700.

#### Assessor's Map 40-13-31CB

Tax Lot 1300, County R-2 (Residential Two) Zone.

Situs address — 16987 Parkview Dr.

Owner — Robert and Nancy Covey.

This is a roughly rectangular shaped parcel of 0.76 acres (33,105 sq. ft.), located at the southeast corner of Parkview Dr. and Welch Ct. with 163 feet of frontage on Parkview and a northerly boundary of 257 feet, the westerly 118.60 feet of which fronts along the south side of Welch Ct. The easterly boundary is 142 feet and the southerly boundary is 225 feet.

The parcel is essentially flat with a gentle downward slope toward the southwest. This lot contains a single family house and a large shop building. Theoretically, if vacant, this lot could be divided into at least 4 additional lots. However, the location of the house and shop building on the property appears to make division of the parcel unfeasible. This lot has an assessed value of \$95,630.

Tax Lot 1400, County R-2 (Residential Two) Zone.

Situs address — 16957 Parkview Dr.

Owner — James Schutte.

This is a roughly rectangular shaped, 0.30 acre (13,068 sq. ft.) parcel located on the east side of Parkview Dr. approximately 400 feet south of Welch Ct. This parcel has 90 feet of frontage on Parkview, a northerly boundary of 125 feet, an easterly boundary of 98 feet and a southerly boundary of 165 feet. Topographically flat, this parcel cannot be divided further because of the location of the house. This lot has an assessed value of \$171,260.

Tax Lot 1401, County R-2 (Residential Two) Zone.

Situs address — 16971 Parkview Dr.

Owner — Lynn Weir.

This is a triangular shaped, 0.26 acre (11,325 sq. ft.), parcel located on the east side of Parkview Dr. with 190 feet of frontage, an easterly boundary of 98 feet and a southerly boundary of 125 feet. This parcel is flat and is too small to be divided further. This lot has an assessed value of \$92,840.

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

The water main located in Parkview Dr. has been upgraded from a 6" line to a 10" line and a new sewer main has been placed in the Parkview right-of-way as a part of the Vista Ridge Subdivision approval. Drainage through out the area is via open ditches or natural water courses, except in the adjoining areas within the city limits where subdivision development has provided and engineered drainage system.

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

The area subject to this annexation is in Taxing District 17-7 and includes the following special districts:

- School District 17-C
- South Coast ESD
- Southwestern Oregon Community College
- Port of Brookings Harbor
- South Curry Cemetery District
- Suburban Fire District
- Chetco Library District
- Curry County 4H Extension
- County General Hospital District
- Curry Soil/Water Co

5. *Urban services needed and necessary to service the territory proposed to be annexed, the availability of same relative to capacity, condition and cost of extension and/or improvement to urban standards and an estimated time line for any required improvements.*

Water and sewer service is available to all of the lots in this annexation. Storm drainage will be improved as lots develop. Parkview Dr. between Hampton Ln. and Welch Ct. was not annexed when the area that is now the Parkview Estates Subdivision and Murray Partition was annexed to the city. When the area that is now the Welch Subdivision on the east side of Parkview Dr. and then the annexation of the area that is now the Vista Ridge Subdivision, all of the north south portion of Parkview Dr. north of Welch Ct. was annexed.

The segment of Parkview Dr. between Hampton Ln. and Welch Ct. has a right-of-way that varies from 40 to 45 feet with no other improvements except along the Murray partition and the Parkview Estates Subdivision, both of which are located on the west side of the street. The east/west segment of Parkview Dr. from Vista Ridge Dr. to the easterly boundary of the Vista Ridge Subdivision has a 50 foot right-of-way with curb, gutter and sidewalk along the street frontage of the subdivision. Otherwise there are no other improvements on Parkview Dr. The 100 foot section of Gowman Ln. has a right-of-way of 50 feet and is improved with curb, gutter and sidewalk along the Vista Ridge Subdivision boundary.

6. *Compliance with all applicable goals and policies of the comprehensive plan.*

Goal 1, Citizen Involvement.

Goal 1 in this case is satisfied in the same manner as any quasi-judicial hearing, through notice of all involved parties, property owners within 250 feet and through publication in the local news paper.

Goal 2, Planning,

The city's Land Development Code is a separately bound document of the Comprehensive Plan. This action is being taken under the requirements of Section 148, Annexations, of the Land Development Code and is therefore consistent with the policies of Goal 2.

Goal 3, Agricultural Lands, Goal 4, Forest Lands.

The area within this annexation is totally within the city's Urban Growth Boundary (UGB), zoned for urban uses by the County and contains no agricultural or forest lands.

Goal 5. Open Spaces, Scenic and Historic Areas and Natural Resources.

Although some of the lots subject to this annexation are large enough to divide further and are forested to some extent, there are no scenic, historic areas listed in this area. The only natural resource is the limited amount of timber on the subject lots.

Goal 6, Air, Water and Land Resources Quality.

All of the lots subject to this annexation are within the city's UGB and are zoned for urban densities by the county. This annexation will allow the existing houses and require new houses to connect to the city's domestic sewer system and thus eliminating septic tanks, which are a potential source of pollution to the ground and surface water in the area. There are no particular air or land resource issues generated by this partition.

Goal 7, Areas Subject To Natural Disasters and Hazards.

All of the lots subject to this annexation are either flat or contain very slight slopes and therefore are not subject to the provisions of Section 100, Hazardous Building Sites/Hillside Development Standards, of the Land Development Code. Natural drainage in the area is in well defined channels and thus does not present a threat of flooding.

Goal 8, Recreational Needs,

Recreation opportunities in the area consist of numerous parks within the city limits including Harris Beach State Park, and of many hiking trails along the coast and in the mountains surrounding the area. The residents in the area of this annexation currently have access to all of these facilities and the annexation itself will not increase the user population. The annexation will provide the potential to divide some of the subject lots and therefore cause an increase in user population, however, the potential increase due to any future division of these lots is small and will not have a particular impact on existing facilities.

Goal 9, Economy.

The residents of the lots subject to this annexation are already a factor in the areas economy. With annexation, the property tax for each lot will be increase to the city's tax rate, an increase of approximately \$3.70 per \$1,000 of assessed value. Division of those lots large enough to do so will increase the assessed value of the city and to the economy of the area.

#### Goal 10, Housing.

The two Goal 10 policies that apply in this case are to not place undue restrictions on the development of land and to provide a variety of housing types. This annexation will increase potential development by providing both water and sewer service to each of the lots. All of the subject lots are essentially flat or have minimal topographical concerns and thus the recommended city zoning will be the R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) over all lots. With the availability of both water and sewer service, the minimum lot size can be as small as 6,000 sq. ft. as compared to 12,000 under the county with water service only. Several of the subject lots have the potential to be divided further, thus increasing the potential housing inventory. The current nature of development in the area is single family homes and the R-1-6 Zone would restrict development to single family and thus would not provide a particular variety of housing.

#### Goal 11, Public Facilities and Services.

Water and sewer service of adequate capacity is available to the lots subject to this annexation. Parkview Dr. is classified as a collector street and will remain in the county's jurisdiction for maintenance purposes, even after annexation, until such time as it is improved to city standards and will then become a city street. As improvements are made to the street, it will retain the capacity to accommodate traffic generated by new development.

The subject area is located within the Suburban Fire Protection District, which is served by the city's fire department. This annexation will bring the area into the city's jurisdiction but will not change the degree of fire protection currently provided.

Police protection to the annexed areas will be provided by the city rather than by the County Sheriff, who is the current provider. Due to the nature of the annexed area along Parkview with areas of annexed and areas of unincorporated land, by agreement, both the city police and county sheriff will respond to a 911 call in that area.

As stated above, storm drainage facilities will be upgraded as development in the annexed areas occurs.

#### Goal 12, Transportation.

Parkview Dr. is classified as a collector by the city's Transportation Systems Plan (TSP). Improvements to full collector standards related to future development along the Parkview right-of-way will enable the street to accommodate the increase in traffic generated by future growth in the area. The TSP recognizes that the potential growth in the Parkview area will require improvements to the intersection of Parkview Dr. with Highway 101. The potential impact of traffic generated by further development in this annexation will not significantly impact the Parkview/Hwy 101 intersection.

#### Goal 13, Energy Conservation.

Future development in the annexed area will be residential in nature and energy conservation will be in regard to requirements of the Uniform Building Code. Growth in the Parkview area will generate more vehicular trips to and from the downtown area, however, this area is in the original UGB established for the city and of course is in the new boundary. Issues of energy conservation were considered when the original boundary was

established and again when the new boundary was established. Additional vehicular trips are a recognized result of growth.

Goal 14, Urbanization.

The policies of Goal 14 primarily deal with the expansion of an UGB and of bringing urbanizable land into urban production. The Parkview area is, by the fact that it is already in the UGB, considered to be urban land. As urban land, whether in the county or city, if both water and sewer service is available lots could be developed with a minimum of 6,000 sq. ft. of size. Goal 14 is not particularly applicable in this case.

Goal 15, Willamette Valley.

This goal does not apply.

Goals 16, 17 and 18, Estuarine Resources; Coastal Shorelands; Beaches and Dunes.

The area subject to this annexation is not near or has any potential impact on the Chetco River Estuary. Water draining from and through the subject area enters the ocean at the southern end of Harris Beach State Park. This annexation will cause this drainage to change nor will it create a significant impact on the shorelands or beaches.

7. *Compliance with all of the items listed in subsection 148.030.*

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

See discussion under Finding No. 6 above. The Subject area is designated as Residential by the county and will be designated Residential once annexed.

- B. *An adequate level of urban services and infrastructure to accommodate anticipated future development either is available, or can reasonably be made available. An adequate level of urban services shall be defined as:*

*Municipal sanitary sewer, storm drainage, and water service meeting the requirements enumerated in the Brookings Public Facilities and Services Plan and the Land Development Code for provision of these services. The adequacy of these services shall be considered in relation to annexation proposals.*

See discussion under Finding No. 3 above. The water main in Parkview Dr. has been upgraded from a 6" line to a 10" line and a new sewer main has been placed in the right-of-way. The city's sewer treatment plan has the capacity to accommodate the growth that was projected for the UGB expansion to the year 2015.

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

See discussion under Goal 12 above.



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

Any development that occurs within the city limits will be constructed to city standards.

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

See discussion under Goal 11 above.

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

No new infrastructure is required for this annexation.

8. *The burden of providing the findings is the responsibility of the applicant.*

The city is the applicant in this case. This staff report contains the required findings.

## CONCLUSIONS

1. There eight tax lots included in the annexation. Each lot has a single family house on it.
2. The entire area of the annexation is designated as "Residential" by the County Comprehensive Plan. Two of the lots (on the west side of Parkview Dr. north of Dodge Rd.) are zoned by the county as R-3 (Residential- Three), which would allow single family dwellings and multiple family dwellings. The remaining six lots are zoned R-2 (Residential-Two), which would allow single family dwelling. Upon annexation the city will designate the area as "Residential" in it's Comprehensive Plan and residential zones will be applied to these lots.
3. The lots subject to this annexation currently have city water service and sewer service is available to each. Parkview Dr. is classified as a collector street in the city's TSP and as improvements on the street occur due to development will retain the collector capacity to serve the Parkview area. Storm drainage in the area subject to this annexation is currently in open ditches along the street right-of-way and in natural drainage courses. The existing system adequately serves the area and will be upgraded as development occurs.
4. The area subject to this annex is located in Tax District 17-7, which includes ten special taxing districts. Upon annexation the area will be removed from the Suburban Fire District and place in the city's jurisdiction. The City Fire Department currently serves the Suburban Fire District.
5. No new services will be required to serve the area to be annexed. If any of these lots are divided in the future new streets will be required as appropriate to the particular division.

6. The proposed annexation is consistent with the goals and policies of the city's Comprehensive Plan as addressed in Finding No. 6 above.
7. The city has the ability to provide adequate water and sewer service to the eight lots subject to this annexation. The city's wastewater treatment plant has the capacity to accommodate the growth project to the year 2015 and is the same as the growth projected for the Urban Growth Boundary expansion to the same year.
8. The materials submitted by the applicant are complete and satisfy all of the criteria presented in Section 148, Annexations, of the Land Development Code, to justify the proposed annexation.

## **RECOMMENDATION**

Staff recommends a **recommendation of approval** of Case File No. ANX-2-05, to the City Council, based on the findings and conclusions stated in the staff report.

INDEX

**IRREVOCABLE CONSENT TO ANNEXATION**

WHEREAS, BRADLEY G. & TAMARA A. PETTINGER Is owner of certain real property located within Curry County, Oregon, identified as Tax Lot(s) 40 13 31 B 01317 00, Assessor's Parcel Map No. 01317 00, which property is more particularly described in Exhibit "A" and/or Book of Records 89-622 Page \_\_\_\_\_, and recorded on the day of SEPT. 26, 19 89; and,

WHEREAS, the owner desires to initiate and/or renew a request for water service outside the corporate limits of the City of Brookings; and,

WHEREAS, in order to assure required control by the City of Brookings of connections and water use in perpetuity, the owner of the above described property, pursuant to Ordinance No. 88-0-432, covenants to the City of Brookings and irrevocably consents to be annexed to the City of Brookings without an election being held within the territory to be annexed, at such future time as all legal requirements for annexation have otherwise been met and at the discretion of the City, and,

**NOW, THEREFORE, IT IS AGREED AS FOLLOWS:**

1. This irrevocable consent to annexation is an instrument affecting the title and possession of the real property described in Exhibit "A". and/or Book of Records 89 - Page 622. All terms and conditions herein imposed shall run with the land and shall be binding upon and inure to the benefit of the successors in interest of owner. Upon any sale or division of the property as herein described the terms of this consent shall apply separately to each parcel and the owner of each parcel shall succeed to the obligations imposed on owner by this consent.
2. The owner, and all successors in interest of the owner of the above described property hereby covenants, agrees and irrevocably consents to the annexation of said real property as herein described to the City of Brookings, and that said annexation be without an election being held within the territory to be annexed, at such future time as all legal requirements for annexation have otherwise been met and at the sole discretion of the City.
3. In accordance with ORS 222.170 it is hereby represented and stated that the undersigned are the owner(s) of either the legal and/or equitable title to the real property herein described.

Dated this 15TH day of NOVEMBER, 19 89

OWNER(S):

CITY OF BROOKINGS:

By: Richard Rehanch

STATE OF OREGON  
COUNTY OF CURRY

ss

On this November day of 1989, before me, Nancy J. Corrigan, a Notary Public in and for the State of Oregon, personally appeared Bradley G. & Tamara A. Pettinger, known to me to be the person who executed the Consent to Annexation and acknowledged to me that s/he executed the same for the purposes therein stated.

Nancy J. Corrigan  
Notary Public for Oregon

My commission expires: 3-21-92

STATE OF OREGON  
COUNTY OF CURRY

ss

On this Dec day of 1989, before me, Nancy J. Corrigan, a Notary Public in and for the State of Oregon, personally appeared Richard Rehanch, on behalf of the City of Brookings and acknowledged to me that s/he executed the Consent to Annexation and acknowledged to me that s/he executed the same for the purposes therein stated.

Nancy J. Corrigan  
Notary Public for Oregon

My commission expires: 3-21-92

**WAIVER OF TIME LIMIT IMPOSED BY ORS 222.173**

WHEREAS, BRADLEY G. & TAMARA A. PETTINGER

is the owner of certain real property located within Curry County, Oregon, identified as tax lot(s) 401331B 01317 00,  
Assessor's Parcel Map No. 01317 00 which property is more particularly described in Exhibit A, and/or Book  
of Records 89 Page 1022, and recorded on the \_\_\_\_\_ day of \_\_\_\_\_, and;

WHEREAS, the owner desires initiating and/or renewing a request for water service outside the corporate limits of the City  
of Brookings; and,

WHEREAS, concomitantly the aforesaid property owner is executing a statement or irrevocable consent to annexation to  
the City of Brookings; and,

WHEREAS, City of Brookings requires said statement of irrevocable consent to annexation and waiver of the time limit im-  
posed by ORS 222.173 before extending water service to the aforesaid property owner; and,

NOW THEREFORE, it is agreed as follows:

1. The aforesaid property owner is advised that ORS 222.173 provides the following:

"For the purpose of authorizing an annexation under ORS 222.170 or under proceeding initiated as pro-  
vided by ORS 199.490(2), only statements of consent to annexation which are filed within any one year period  
shall be effective, unless a separate written agreement waiving the one year period prescribing some other period  
of time has been entered into between an owner of land or an elector and the City."

2. In order to obtain water service the City agrees that in exchange for said property owner waiving said one year time limita-  
tion and executing a statement of irrevocable consent to annexation, the City will extend water service to said land owner subject  
to Ordinance No. 88-0-432 of the City of Brookings.

3. The property owner, and all successors in interest of the owner of the above described property hereby consent and  
agree to waive the one year time period imposed by ORS 222.173 as quoted above.

4. The owner agrees that said statement of irrevocable consent to annexation shall have no time limitation and shall be  
valid in perpetuity and be binding upon the owner, his/her/their heirs, assigns, and successors, forever.

5. The owner hereby represents and states that the undersigned are the owner(s) of either the legal sense/or equitable  
title to the property herein described in Exhibit A, and or Book of Records \_\_\_\_\_ Page \_\_\_\_\_.

Dated this 15 day of Nov., 1989.

OWNER:

CITY OF BROOKINGS:

By:

STATE OF OREGON

COUNTY OF CURRY

ss

On this November day of 19 89, before me, Nancy J. Corrigan, a Notary  
Public in and for the State of Oregon, personally appeared Bradley G. & Tamara A. Pettinger, known to me to be the person  
who executed the Waiver of Time Limit and acknowledged to me that s/he executed the same for the purposes therein stated.

Nancy J. Corrigan  
Notary Public for Oregon

My commission expires: 3-21-92

STATE OF OREGON

COUNTY OF CURRY

ss

On this December day of 19 89, before me, Nancy J. Corrigan, a Notary  
Public in and for the State of Oregon, personally appeared Richard Kahane, on behalf of the City of Brookings  
and acknowledged to me that s/he executed the Waiver of Time Limit and acknowledged to me that s/he executed the same for the  
purposes therein stated.

Nancy J. Corrigan  
Notary Public for Oregon

My commission expires: 3-21-92

**IRREVOCABLE CONSENT TO ANNEXATION**

WHEREAS, HARRY & VICKI W. DYE is owner of certain real property located within Curry County, Oregon, identified as Tax Lot(s) 1321 Parcel Map No. 40-13-31-B, Assessor's ~~Book of Records~~ Instrument No. 90-1650, which property is more particularly described in Exhibit "A" and/or ~~Page~~ 27th day of March, 19 90; and,

WHEREAS, the owner desires to initiate and/or renew a request for water service outside the corporate limits of the City of Brookings; and,

WHEREAS, in order to assure required control by the City of Brookings of connections and water use in perpetuity, the owner of the above described property, pursuant to Ordinance No. 88-0-432, covenants to the City of Brookings and irrevocably consents to be annexed to the City of Brookings without an election being held within the territory to be annexed, at such future time as all legal requirements for annexation have otherwise been met and at the discretion of the City, and,

**NOW, THEREFORE, IT IS AGREED AS FOLLOWS:**

1. This irrevocable consent to annexation is an instrument affecting the title and possession of the real property described in Exhibit "A", and/or ~~Book of Records~~ Instrmt No. 90-1650. All terms and conditions herein imposed shall run with the land and shall be binding upon and inure to the benefit of the successors in interest of owner. Upon any sale or division of the property as herein described the terms of this consent shall apply separately to each parcel and the owner of each parcel shall succeed to the obligations imposed on owner by this consent.
2. The owner, and all successors in interest of the owner of the above described property hereby covenants, agrees and irrevocably consents to the annexation of said real property as herein described to the City of Brookings, and that said annexation be without an election being held within the territory to be annexed, at such future time as all legal requirements for annexation have otherwise been met and at the sole discretion of the City.
3. In accordance with ORS 222.170 it is hereby represented and stated that the undersigned are the owner(s) of either the legal and/or equitable title to the real property herein described.

Dated this 28th day of March, 19 90.

OWNER(S):

Harry Dye  
Vicki W. Dye

CITY OF BROOKINGS:

By: John C. Buschoff

STATE OF OREGON

COUNTY OF CURRY

On March, 19 90, before me, Nancy J. Corrigan a Notary Public in and for the State of Oregon, personally appeared HARRY & VICKI W. DYE, known to me to be the person who executed the Consent to Annexation and acknowledged to me that s/he executed the same for the purposes therein stated.

Nancy J. Corrigan  
Notary Public for Oregon  
My commission expires: 3-21-92

STATE OF OREGON

COUNTY OF CURRY

On April, 19 90, before me, Nancy J. Corrigan a Notary Public in and for the State of Oregon, personally appeared John C. Buschoff, on behalf of the City of Brookings and known to be the person who executed the Consent to Annexation and acknowledged to me that s/he executed the same for the purposes therein stated.

Nancy J. Corrigan  
Notary Public for Oregon  
My commission expires: 3-21-92

WAIVER OF TIME LIMIT IMPOSED BY ORS 222.173

WHEREAS, HARRY & VICKI W. DYE

is the owner of certain real property located within Curry County, Oregon, identified as tax lot(s) 1321 - Area 17-7,  
Assessor's Parcel Map No. 40-13-31-B which property is more particularly described in Exhibit A, and /or ~~Book~~  
~~Instrument No.~~ 90-1650 ~~page~~ and recorded on the 27th day of March, 1990; and,

WHEREAS, the owner desires initiating and/or renewing a request for water service outside the corporate limits of the City  
of Brookings; and,

WHEREAS, concomitantly the aforesaid property owner is executing a statement or irrevocable consent to annexation to  
the City of Brookings; and,

WHEREAS, City of Brookings requires said statement of irrevocable consent to annexation and waiver of the time limit im-  
posed by ORS 222.173 before extending water service to the aforesaid property owner; and,

NOW THEREFORE, it is agreed as follows:

1. The aforesaid property owner is advised that ORS 222.173 provides the following:

"For the purpose of authorizing an annexation under ORS 222.170 or under proceeding initiated as pro-  
vided by ORS 199.490(2), only statements of consent to annexation which are filed within any one year period  
shall be effective, unless a separate written agreement waiving the one year period prescribing some other period  
of time has been entered into between an owner of land or an elector and the City."

2. In order to obtain water service the City agrees that in exchange for said property owner waiving said one year time limita-  
tion and executing a statement of irrevocable consent to annexation, the City will extend water service to said land owner subject  
to Ordinance No. 88-0-432 of the City of Brookings.

3. The property owner, and all successors in interest of the owner of the above described property hereby consent and  
agree to waive the one year time period imposed by ORS 122.173 as quoted above.

4. The owner agrees that said statement of irrevocable consent to annexation shall have no time limitation and shall be  
valid in perpetuity and be binding upon the owner, his/her/their heirs, assigns, and successors, forever.

5. The owner hereby represents and states that the undersigned are the owner(s) of either the legal sense/or equitable  
title to the property herein described in Exhibit A, and or ~~Book of Records~~ Instrument No. 90-1650

Dated this 28th day of March, 1990

OWNER:

Harry Dye  
Vicki W. Dye

CITY OF BROOKINGS:

John C. Buschhoff  
By:

STATE OF OREGON

COUNTY OF CURRY

SS

On this March, 19 90, before me, Nancy J. Corrigan, a Notary  
Public in and for the State of Oregon, personally appeared HARRY & VICKI W. DYE, known to me to be the person  
who executed the Waiver of Time Limit and acknowledged to me that s/he executed the same for the purposes therein stated.

Nancy J. Corrigan  
Notary Public for Oregon  
My commission expires: 3-21-92

STATE OF OREGON

COUNTY OF CURRY

SS

On this April, 19 90, before me, Nancy J. Corrigan, a Notary  
Public in and for the State of Oregon, personally appeared John C. Buschhoff, on behalf of the City of Brookings  
and known to be the person who executed the Waiver of Time Limit and acknowledged to me that s/he executed the same for the  
purposes therein stated.

Nancy J. Corrigan  
Notary Public for Oregon  
My commission expires: 3-21-92



**IRREVOCABLE CONSENT TO ANNEXATION**

WHEREAS, Richard M. Value is owner of certain real property located within Curry County, Oregon, identified as Tax Lot(s) 1398, Assessor's Parcel Map No. 40-13-31B, which property is more particularly described in Exhibit "A" and/or Book of Records 90-6187 Page 31st, and recorded on the 31st day of Oct, 19 90; and, 90-6187 10/31/90

WHEREAS, the owner desires to initiate and/or renew a request for water service outside the corporate limits of the City of Brookings; and,

WHEREAS, in order to assure required control by the City of Brookings of connections and water use in perpetuity, the owner of the above described property, pursuant to Ordinance No. 88-0-432, covenants to the City of Brookings and irrevocably consents to be annexed to the City of Brookings without an election being held within the territory to be annexed, at such future time as all legal requirements for annexation have otherwise been met and at the discretion of the City, and,

**NOW, THEREFORE, IT IS AGREED AS FOLLOWS:**

1. This irrevocable consent to annexation is an instrument affecting the title and possession of the real property described in Exhibit "A". and/or Book of Records 90-6187 Page 31st. All terms and conditions herein imposed shall run with the land and shall be binding upon and inure to the benefit of the successors in interest of owner. Upon any sale or division of the property as herein described the terms of this consent shall apply separately to each parcel and the owner of each parcel shall succeed to the obligations imposed on owner by this consent.
2. The owner, and all successors in interest of the owner of the above described property hereby covenants, agrees and irrevocably consents to the annexation of said real property as herein described to the City of Brookings, and that said annexation be without an election being held within the territory to be annexed, at such future time as all legal requirements for annexation have otherwise been met and at the sole discretion of the City.
3. In accordance with ORS 222.170 it is hereby represented and stated that the undersigned are the owner(s) of either the legal and/or equitable title to the real property herein described.

Dated this April 22, '91 day of \_\_\_\_\_, 19 \_\_\_\_\_.

OWNER(S):  
R. M. Value

**CITY OF BROOKINGS:**

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

STATE OF OREGON GUAM )  
COUNTY OF CURRY )

On this 22nd day of April, 19 91, before me, Frances T. Jacobs a Notary Public in and for the State of Oregon, personally appeared Richard M. Value, known to me to be the person who executed the Consent to Annexation and acknowledged to me that s/he executed the same for the purposes therein stated.

Frances T. Jacobs  
Notary Public for Oregon

My commission expires: June 11, 1995

STATE OF OREGON )  
COUNTY OF CURRY )

On this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public in and for the State of Oregon, personally appeared \_\_\_\_\_, on behalf of the City of Brookings and known to be the person who executed the Consent to Annexation and acknowledged to me that s/he executed the same for the purposes therein stated.

WAIVER OF TIME LIMIT IMPOSED BY ORS 222.173

WHEREAS, Richard M. Value  
is the owner of certain real property located within Curry County, Oregon, identified as tax lot(s) 1398,  
Assessor's Parcel Map No. 40-13-31B which property is more particularly described in Exhibit A, and /or Book  
of Records 90-6187 Page \_\_\_\_\_, and recorded on the 31 day of October 1990; and,  
WHEREAS, the owner desires initiating and/or renewing a request for water service outside the corporate limits of the City  
of Brookings; and,

WHEREAS, concomitantly the aforesaid property owner is executing a statement or irrevocable consent to annexation to  
the City of Brookings; and,

WHEREAS, City of Brookings requires said statement of irrevocable consent to annexation and waiver of the time limit im-  
posed by ORS 222.173 before extending water service to the aforesaid property owner; and,

NOW THEREFORE, it is agreed as follows:

1. The aforesaid property owner is advised that ORS 222.173 provides the following:

"For the purpose of authorizing an annexation under ORS 222.170 or under proceeding initiated as pro-  
vided by ORS 199.490(2), only statements of consent to annexation which are filed within any one year period  
shall be effective, unless a separate written agreement waiving the one year period prescribing some other period  
of time has been entered into between an owner of land or an elector and the City."

2. In order to obtain water service the City agrees that in exchange for said property owner waiving said one year time limita-  
tion and executing a statement of irrevocable consent to annexation, the City will extend water service to said land owner subject  
to Ordinance No. 88-0-432 of the City of Brookings.

3. The property owner, and all successors in interest of the owner of the above described property hereby consent and  
agree to waive the one year time period imposed by ORS 122.173 as quoted above.

4. The owner agrees that said statement of irrevocable consent to annexation shall have no time limitation and shall be  
valid in perpetuity and be binding upon the owner, his/her/their heirs, assigns, and successors, forever.

5. The owner hereby represents and states that the undersigned are the owner(s) of either the legal sense/or equitable  
title to the property herein described in Exhibit A, and or Book of Records 90-6187 Page \_\_\_\_\_.

Dated this 22 day of April, 1989. 1991

OWNER:

X R. M. Value

CITY OF BROOKINGS:

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

STATE OF OREGON (GUAM)

COUNTY OF CURRY AGAMA

SS

On this 22nd day of April, 19 91, before me, Frances T. Jacobs, a Notary  
Public in and for the State of Oregon, personally appeared Richard M. Value, known to me to be the person  
who executed the Waiver of Time Limit and acknowledged to me that s/he executed the same for the purposes therein stated.

Frances T. Jacobs  
Notary Public for Oregon Guam

My commission expires: June 11, 1991

STATE OF OREGON (19)

COUNTY OF CURRY

SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, before me, \_\_\_\_\_, a Notary  
Public in and for the State of Oregon, personally appeared \_\_\_\_\_, on behalf of the City of Brookings  
and known to be the person who executed the Waiver of Time Limit and acknowledged to me that s/he executed the same for the  
purposes therein stated.

Notary Public for Oregon

My commission expires: \_\_\_\_\_

**IRREVOCABLE CONSENT TO ANNEXATION**

WHEREAS, David F. Lorenz is owner of certain real property located within Curry County, Oregon, identified as Tax Lot(s) 1801, Assessor's Parcel Map No. 40-13-31B, which property is more particularly described in Exhibit "A" and/or Book of Records 154 Page 487, and recorded on the 10th day of March, 19 89; and,

WHEREAS, the owner desires to initiate and/or renew a request for water service outside the corporate limits of the City of Brookings; and,

WHEREAS, in order to assure required control by the City of Brookings of connections and water use in perpetuity, the owner of the above described property, pursuant to Ordinance No. 88-0-432, covenants to the City of Brookings and irrevocably consents to be annexed to the City of Brookings without an election being held within the territory to be annexed, at such future time as all legal requirements for annexation have otherwise been met and at the discretion of the City, and,

**NOW, THEREFORE, IT IS AGREED AS FOLLOWS:**

1. This irrevocable consent to annexation is an instrument affecting the title and possession of the real property described in Exhibit "A" and/or Book of Records 154 Page 487. All terms and conditions herein imposed shall run with the land and shall be binding upon and inure to the benefit of the successors in interest of owner. Upon any sale or division of the property as herein described the terms of this consent shall apply separately to each parcel and the owner of each parcel shall succeed to the obligations imposed on owner by this consent.
2. The owner, and all successors in interest of the owner of the above described property hereby covenants, agrees and irrevocably consents to the annexation of said real property as herein described to the City of Brookings, and that said annexation be without an election being held within the territory to be annexed, at such future time as all legal requirements for annexation have otherwise been met and at the sole discretion of the City.
3. In accordance with ORS 222.170 it is hereby represented and stated that the undersigned are the owner(s) of either the legal and/or equitable title to the real property herein described.

Dated this 10th day of April, 19 89.

OWNER(S): David F. Lorenz  
David F. Lorenz  
96990 Rustic Lane  
Brookings, OR 97415

CITY OF BROOKINGS:  
[Signature]  
 By:

STATE OF OREGON )  
 COUNTY OF CURRY ) SS

On this 10th day of April, 19 89, before me, Mary Zachary a Notary Public in and for the State of Oregon, personally appeared David F. Lorenz, known to me to be the person who executed the Consent to Annexation and acknowledged to me that s/he executed the same for the purposes therein stated.

Mary Zachary  
 Notary Public for Oregon  
 My commission expires: 2-2-1991

STATE OF OREGON )  
 COUNTY OF OREGON ) SS

On this 10th day of April, 19 89, before me, Nancy J. Corrigan, a Notary Public in and for the State of Oregon, personally appeared Richard A. Ullian, on behalf of the City of Brookings and known to be the person who executed the Consent to Annexation and acknowledged to me that s/he executed the same for the purposes therein stated.

Nancy J. Corrigan  
 Notary Public for Oregon  
 My commission expires: 3/21/92

## WAIVER OF TIME LIMIT IMPOSED BY ORS 222.173

WHEREAS, David F. Lorenz

is the owner of certain real property located within Curry County, Oregon, identified as tax lot(s) 40-13-31B,  
 Assessor's Parcel Map No. 1801 which property is more particularly described in Exhibit A, and /or Book  
 of Records 154 Page 487, and recorded on the 10 day of March, 1989; and,

WHEREAS, the owner desires initiating and/or renewing a request for water service outside the corporate limits of the City  
 of Brookings; and,

WHEREAS, concomitantly the aforesaid property owner is executing a statement or irrevocable consent to annexation to  
 the City of Brookings; and,

WHEREAS, City of Brookings requires said statement of irrevocable consent to annexation and waiver of the time limit im-  
 posed by ORS 222.173 before extending water service to the aforesaid property owner; and,

NOW THEREFORE, it is agreed as follows:

1. The aforesaid property owner is advised that ORS 222.173 provides the following:

"For the purpose of authorizing an annexation under ORS 222.170 or under proceeding initiated as pro-  
 vided by ORS 199.490(2), only statements of consent to annexation which are filed within any one year period  
 shall be effective, unless a separate written agreement waiving the one year period prescribing some other period  
 of time has been entered into between an owner of land or an elector and the City."

2. In order to obtain water service the City agrees that in exchange for said property owner waiving said one year time limita-  
 tion and executing a statement of irrevocable consent to annexation, the City will extend water service to said land owner subject  
 to Ordinance No. 88-0-432 of the City of Brookings.

3. The property owner, and all successors in interest of the owner of the above described property hereby consent and  
 agree to waive the one year time period imposed by ORS 122.173 as quoted above.

4. The owner agrees that said statement of irrevocable consent to annexation shall have no time limitation and shall be  
 valid in perpetuity and be binding upon the owner, his/her/their heirs, assigns, and successors, forever.

5. The owner hereby represents and states that the undersigned are the owner(s) of either the legal sense/or equitable  
 title to the property herein described in Exhibit A, and or Book of Records 154 Page 487.

Dated this 10th day of April, 1989.

OWNER:

David F. Lorenz  
 David F. Lorenz

96990 Rustic Lane

Brookings, OR 97415

CITY OF BROOKINGS:

By:

Rupam Dhillon

STATE OF OREGON )

COUNTY OF CURRY )

ss

On this 6 day of April, 19 89, before me, Mary Zachary, a Notary  
 Public in and for the State of Oregon, personally appeared David F. Lorenz, known to me to be the person  
 who executed the Waiver of Time Limit and acknowledged to me that s/he executed the same for the purposes therein stated.

Mary Zachary  
 Notary Public for Oregon

My commission expires 3/21/92

STATE OF OREGON )

COUNTY OF CURRY )

ss

On this 10th day of April, 19 89, before me, Nancy J. Corrigan, a Notary  
 Public in and for the State of Oregon, personally appeared Richard A. Ullian, on behalf of the City of Brookings  
 and acknowledged to me that s/he executed the Waiver of Time Limit and acknowledged to me that s/he executed the same for the

Nancy J. Corrigan  
 Notary Public for Oregon

My commission expires: 3/21/92

**IRREVOCABLE CONSENT TO ANNEXATION**

WHEREAS, FRANCES A. HAYES is owner of certain real property located within Curry County, Oregon, identified as Tax Lot(s) 1900, Assessor's Parcel Map No. MB 17-7 40-13-31B, which property is more particularly described in Exhibit "A" and/or Book of Records 68 Page 82-83, and recorded on the 5th day of Sept, 19 78; and,

WHEREAS, the owner desires to initiate and/or renew a request for water service outside the corporate limits of the City of Brookings; and,

WHEREAS, in order to assure required control by the City of Brookings of connections and water use in perpetuity, the owner of the above described property, pursuant to Ordinance No. 88-0-432, covenants to the City of Brookings and irrevocably consents to be annexed to the City of Brookings without an election being held within the territory to be annexed, at such future time as all legal requirements for annexation have otherwise been met and at the discretion of the City, and,

**NOW, THEREFORE, IT IS AGREED AS FOLLOWS:**

1. This irrevocable consent to annexation is an instrument affecting the title and possession of the real property described in Exhibit "A", and/or Book of Records \_\_\_\_\_ Page \_\_\_\_\_. All terms and conditions herein imposed shall run with the land and shall be binding upon and inure to the benefit of the successors in interest of owner. Upon any sale or division of the property as herein described the terms of this consent shall apply separately to each parcel and the owner of each parcel shall succeed to the obligations imposed on owner by this consent.
2. The owner, and all successors in interest of the owner of the above described property hereby covenants, agrees and irrevocably consents to the annexation of said real property as herein described to the City of Brookings, and that said annexation be without an election being held within the territory to be annexed, at such future time as all legal requirements for annexation have otherwise been met and at the sole discretion of the City.
3. In accordance with ORS 222.170 it is hereby represented and stated that the undersigned are the owner(s) of either the legal and/or equitable title to the real property herein described.

Dated this 29th day of Dec., 19 89.

OWNER(S):

CITY OF BROOKINGS:

Frances A. Hayes  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

John C. Brachoff  
By: \_\_\_\_\_

STATE OF OREGON )  
COUNTY OF CURRY )

SS

On this 29th day of December, 19 89, before me, Judy Lea May a Notary Public in and for the State of Oregon, personally appeared Frances A. Hayes, known to me to be the person who executed the Consent to Annexation and acknowledged to me that s/he executed the same for the purposes therein stated.



Judy Lea May  
Notary Public for Oregon  
My commission expires: 3/2/90

STATE OF OREGON )  
COUNTY OF CURRY )

SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public in and for the State of Oregon, personally appeared \_\_\_\_\_, on behalf of the City of Brookings and known to be the person who executed the Consent to Annexation and acknowledged to me that s/he executed the same for the purposes therein stated.

Notary Public for Oregon  
My commission expires: \_\_\_\_\_



WAIVER OF TIME LIMIT IMPOSED BY ORS 222.173

WHEREAS, FRANCES A. HAYES

is the owner of certain real property located within Curry County, Oregon, identified as tax lot(s) 1900 MB 17-7 40-13-318  
Assessor's Parcel Map No. 68 82-83 and recorded on the \_\_\_\_\_ day of \_\_\_\_\_, 1990  
WHEREAS, the owner desires initiating and/or renewing a request for water service outside the corporate limits of the City of Brookings; and,  
WHEREAS, concomitantly the aforesaid property owner is executing a statement or irrevocable consent to annexation to the City of Brookings; and,  
WHEREAS, City of Brookings requires said statement of irrevocable consent to annexation and waiver of the time limit imposed by ORS 222.173 before extending water service to the aforesaid property owner; and,

NOW THEREFORE, it is agreed as follows:

1. The aforesaid property owner is advised that ORS 222.173 provides the following:  
"For the purpose of authorizing an annexation under ORS 222.170 or under proceeding initiated as provided by ORS 199.490(2), only statements of consent to annexation which are filed within any one year period shall be effective, unless a separate written agreement waiving the one year period prescribing some other period of time has been entered into between an owner of land or an elector and the City."  
2. In order to obtain water service the City agrees that in exchange for said property owner waiving said one year time limitation and executing a statement of irrevocable consent to annexation, the City will extend water service to said land owner subject to Ordinance No. 88-0-432 of the City of Brookings.  
3. The property owner, and all successors in interest of the owner of the above described property hereby consent and agree to waive the one year time period imposed by ORS 122.173 as quoted above.  
4. The owner agrees that said statement of irrevocable consent to annexation shall have no time limitation and shall be valid in perpetuity and be binding upon the owner, his/her/their heirs, assigns, and successors, forever.  
5. The owner hereby represents and states that the undersigned are the owner(s) of either the legal sense/or equitable title to the property herein described in Exhibit A, and or Book of Records \_\_\_\_\_ Page \_\_\_\_\_

Dated this 29th day of June, 1989.

OWNER: Frances A. Hayes

CITY OF BROOKINGS: John C. Buehly

STATE OF OREGON  
COUNTY OF CURRY

ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 1989, \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public in and for the State of Oregon, personally appeared \_\_\_\_\_, known to me to be the person who executed the Waiver of Time Limit and acknowledged to me that s/he executed the same for the purposes therein stated.

Judy La Hay  
Notary Public for Oregon  
My commission expires: 3/2/90

ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, \_\_\_\_\_, a Notary Public in and for the State of Oregon, personally appeared \_\_\_\_\_, known to me to be the person who executed the Waiver of Time Limit and acknowledged to me that s/he executed the same for the purposes therein stated.

IRREVOCABLE CONSENT TO ANNEXATION

(113)

WHEREAS, Robert D. Covey and Nancy B. Covey owner of certain real property located within Curry County, Oregon, identified as Tax Lot(s) 1300, Parcel Map No. 40-13-31CB, which property is more particularly described in Exhibit "A" and/or Book of Records Instrument 1998-5409 Page           , and recorded on the 16<sup>th</sup> day of October, 19 98; and,

WHEREAS, the owner desires to initiate and/or renew a request for water service outside the corporate limits of the City of Brookings; and,

WHEREAS, in order to assure required control by the City of Brookings of connections and water use in perpetuity, the owner of the above described property, pursuant to Ordinance No. 88-0-432, covenants to the City of Brookings and irrevocably consents to be annexed to the City of Brookings without an election being held within the territory to be annexed, at such future time as all legal requirements for annexation have otherwise been met and at the discretion of the City, and,

**NOW, THEREFORE, IT IS AGREED AS FOLLOWS:**

1. This irrevocable consent to annexation is an instrument affecting the title and possession of the real property described in Exhibit "A", and/or Book of Records            Page           . All terms and conditions herein imposed shall run with the land and shall be binding upon and inure to the benefit of the successors in interest of owner. Upon any sale or division of the property as herein described the terms of this consent shall apply separately to each parcel and the owner of each parcel shall succeed to the obligations imposed on owner by this consent.
2. The owner, and all successors in interest of the owner of the above described property hereby covenants, agrees and irrevocably consents to the annexation of said real property as herein described to the City of Brookings, and that said annexation be without an election being held within the territory to be annexed, at such future time as all legal requirements for annexation have otherwise been met and at the sole discretion of the City.
3. In accordance with ORS 222.170 it is hereby represented and stated that the undersigned are the owner(s) of either the legal and/or equitable title to the real property herein described.

Dated this 1st day of December, 19 98

OWNER(S):

Robert D. Covey  
Nancy B. Covey

CITY OF BROOKINGS:

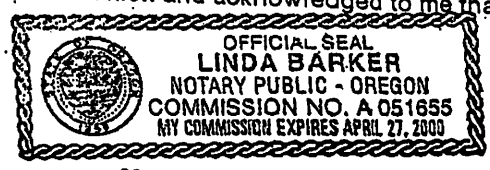
By: John C. Buschhoff

STATE OF OREGON )

COUNTY OF CURRY )

ss

On this 1st day of December, 19 98, before me, Linda Barker a Notary Public in and for the State of Oregon, personally appeared Robert D. & Nancy B. Covey, known to me to be the person who executed the Consent to Annexation and acknowledged to me that s/he executed the same for the purposes therein stated.



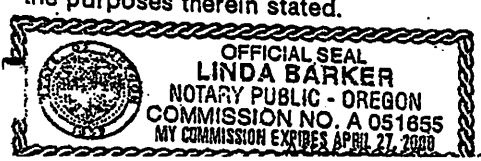
Linda Barker  
Notary Public for Oregon  
My commission expires: 4-27-2000

STATE OF OREGON )

COUNTY OF CURRY )

ss

On this 1st day of December, 19 98, before me, Linda Barker a Notary Public in and for the State of Oregon, personally appeared Robert D. & Nancy B. Covey, on behalf of the City of Brookings and known to be the person who executed the Consent to Annexation and acknowledged to me that s/he executed the same for the purposes therein stated.



Linda Barker  
Notary Public for Oregon  
My commission expires: 4-27-2000

WAIVER OF TIME LIMIT IMPOSED BY ORS 222.173

113

WHEREAS, Robert D. Covey And Nancy B. Covey  
is the owner of certain real property located within Curry County, Oregon, identified as tax lot(s) 1300  
Assessor's Parcel Map No. 40-13-31CB which property is more particularly described in Exhibit A, and /or Book  
of Records 1988-5409 and recorded on the 16 day of October, 1998; and,  
WHEREAS, the owner desires initiating and/or renewing a request for water service outside the corporate limits of the City  
of Brookings; and,

WHEREAS, concomitantly the aforesaid property owner is executing a statement or irrevocable consent to annexation to  
the City of Brookings; and,

WHEREAS, City of Brookings requires said statement of irrevocable consent to annexation and waiver of the time limit im-  
posed by ORS 222.173 before extending water service to the aforesaid property owner; and,

NOW THEREFORE, it is agreed as follows:

1. The aforesaid property owner is advised that ORS 222.173 provides the following:  
"For the purpose of authorizing an annexation under ORS 222.170 or under proceeding initiated as pro-  
vided by ORS 199.490(2); only statements of consent to annexation which are filed within any one year period  
shall be effective, unless a separate written agreement waiving the one year period prescribing some other period  
of time has been entered into between an owner of land or an elector and the City."
2. In order to obtain water service the City agrees that in exchange for said property owner waiving said one year time limita-  
tion and executing a statement of irrevocable consent to annexation, the City will extend water service to said land owner subject  
to Ordinance No. 88-0-432 of the City of Brookings.
3. The property owner, and all successors in interest of the owner of the above described property hereby consent and  
agree to waive the one year time period imposed by ORS 122.173 as quoted above.
4. The owner agrees that said statement of irrevocable consent to annexation shall have no time limitation and shall be  
valid in perpetuity and be binding upon the owner, his/her/their heirs, assigns, and successors, forever.
5. The owner hereby represents and states that the undersigned are the owner(s) of either the legal sense/or equitable  
title to the property herein described in Exhibit A, and or Book of Records 1998-5409 Page 7.

Dated this 1st day of December, 1998 RDC

OWNER: Robert D. Covey  
Nancy B. Covey

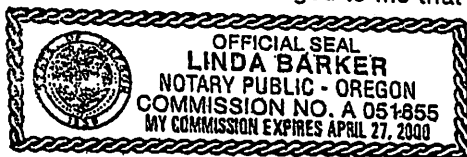
CITY OF BROOKINGS:

John C. Bischoff  
By

STATE OF OREGON )  
COUNTY OF CURRY )

SS

On this 1st day of December, 19 98, before me, Linda Barker, a Notary  
Public in and for the State of Oregon, personally appeared Robert D. Covey And Nancy B. Covey, known to me to be the person  
who executed the Waiver of Time Limit and acknowledged to me that s/he executed the same for the purposes therein stated.

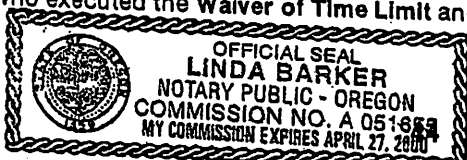


Linda Barker  
Notary Public for Oregon  
My commission expires: 4-27-2000

STATE OF OREGON )  
COUNTY OF CURRY )

SS

On this 1st day of December, 19 98, before me, Linda Barker, a Notary  
Public in and for the State of Oregon, personally appeared John C. Bischoff, on behalf of the City of Brookings  
and known to be the person who executed the Waiver of Time Limit and acknowledged to me that s/he executed the same for the  
purposes therein stated.



Linda Barker  
Notary Public for Oregon  
My commission expires: 4-27-2000

**IRREVOCABLE CONSENT TO ANNEXATION**

WHEREAS, ROBERT MICHAEL LEA AND MICHELLE ROSE LEA is owner of certain real property located within Curry County, Oregon, identified as Tax Lot(s) 1400, Assessor's Parcel Map No. 40-13-31-CB, which property is more particularly described in Exhibit "A" and/or Book of Records 89-1321 Page 3, and recorded on the 26 day of October, 19 89; and,

WHEREAS, the owner desires to initiate and/or renew a request for water service outside the corporate limits of the City of Brookings; and,

WHEREAS, in order to assure required control by the City of Brookings of connections and water use in perpetuity, the owner of the above described property, pursuant to Ordinance No. 88-0-432, covenants to the City of Brookings and irrevocably consents to be annexed to the City of Brookings without an election being held within the territory to be annexed, at such future time as all legal requirements for annexation have otherwise been met and at the discretion of the City, and;

**NOW, THEREFORE, IT IS AGREED AS FOLLOWS:**

1. This irrevocable consent to annexation is an instrument affecting the title and possession of the real property described in Exhibit "A", and/or Book of Records 89-1321 Page 3. All terms and conditions herein imposed shall run with the land and shall be binding upon and inure to the benefit of the successors in interest of owner. Upon any sale or division of the property as herein described the terms of this consent shall apply separately to each parcel and the owner of each parcel shall succeed to the obligations imposed on owner by this consent.
2. The owner, and all successors in interest of the owner of the above described property hereby covenants, agrees and irrevocably consents to the annexation of said real property as herein described to the City of Brookings, and that said annexation be without an election being held within the territory to be annexed, at such future time as all legal requirements for annexation have otherwise been met and at the sole discretion of the City.
3. In accordance with ORS 222.170 it is hereby represented and stated that the undersigned are the owner(s) of either the legal and/or equitable title to the real property herein described.

Dated this 14th day of November, 19 89.

OWNER(S):

Robert Michael Lea  
Michelle Rose Lea

CITY OF BROOKINGS:

Richard D. Bewersdorff  
By:

STATE OF OREGON )

COUNTY OF CURRY )

ss

On this 14th day of November, 19 89, before me, Betty L. Doan, a Notary Public in and for the State of Oregon, personally appeared Robert Michael & Michelle Rose Lea, known to me to be the person who executed the Consent to Annexation and acknowledged to me that s/he executed the same for the purposes therein stated.

Betty L. Doan  
Notary Public for Oregon

My commission expires: 2-26-90

STATE OF OREGON )

COUNTY OF CURRY )

ss

On this 14th day of November, 19 89, before me, BETTY L. DOAN, a Notary Public in and for the State of Oregon, personally appeared RICHARD BEWERSDORFF, known to me to be the person who executed the Consent to Annexation and acknowledged to me that s/he executed the same for the purposes therein stated.

Betty L. Doan  
Notary Public for Oregon

My commission expires: 2-26-90

WAIVER OF TIME LIMIT IMPOSED BY ORS 222.173

WHEREAS, ROBERT MICHAEL LEA AND MICHELLE ROSE LEA

is the owner of certain real property located within Curry County, Oregon, identified as tax lot(s) 1400,  
Assessor's Parcel Map No. 40-13-31-CB which property is more particularly described in Exhibit A, and /or Book  
of Records 89-1321 Page 3, and recorded on the 26 day of October, 89; and,  
Inst. 89-1321  
WHEREAS, the owner desires initiating and/or renewing a request for water service outside the corporate limits of the City  
of Brookings; and,

WHEREAS, concomitantly the aforesaid property owner is executing a statement or irrevocable consent to annexation to  
the City of Brookings; and,

WHEREAS, City of Brookings requires said statement of irrevocable consent to annexation and waiver of the time limit im-  
posed by ORS 222.173 before extending water service to the aforesaid property owner; and,

NOW THEREFORE, it is agreed as follows:

1. The aforesaid property owner is advised that ORS 222.173 provides the following:

"For the purpose of authorizing an annexation under ORS 222.170 or under proceeding initiated as pro-  
vided by ORS 199.490(2), only statements of consent to annexation which are filed within any one year period  
shall be effective, unless a separate written agreement waiving the one year period prescribing some other period  
of time has been entered into between an owner of land or an elector and the City."

2. In order to obtain water service the City agrees that in exchange for said property owner waiving said one year time limita-  
tion and executing a statement of irrevocable consent to annexation, the City will extend water service to said land owner subject  
to Ordinance No. 88-0-432 of the City of Brookings.

3. The property owner, and all successors in interest of the owner of the above described property hereby consent and  
agree to waive the one year time period imposed by ORS 122.173 as quoted above.

4. The owner agrees that said statement of irrevocable consent to annexation shall have no time limitation and shall be  
valid in perpetuity and be binding upon the owner, his/her/their heirs, assigns, and successors, forever.

5. The owner hereby represents and states that the undersigned are the owner(s) of either the legal sense/or equitable  
title to the property herein described in Exhibit A, and or Book of Records 89-1321 Page 3.

Dated this 14<sup>th</sup> day of November, 1989.

OWNER:

Robert Michael Lea  
Michelle Rose Lea

CITY OF BROOKINGS

By: Richard Bewersdorff

STATE OF OREGON )  
COUNTY OF CURRY )

ss

On this 14<sup>th</sup> day of November, 19 89, before me, Betty L. Doan, a Notary  
Public in and for the State of Oregon, personally appeared Robert Michael Lea & Michelle Rose Lea, known to me to be the persons  
who executed the Waiver of Time Limit and acknowledged to me that they executed the same for the purposes therein stated.

Betty L. Doan  
Notary Public for Oregon

My commission expires: 7-1-1992

STATE OF OREGON )  
COUNTY OF CURRY )

ss

On this 14<sup>th</sup> day of November, 19 89, before me, Betty L. Doan, a Notary  
Public in and for the State of Oregon, personally appeared Richard Bewersdorff, on behalf of the City of Brookings  
and known to be the person who executed the Waiver of Time Limit and acknowledged to me that she executed the same for the  
purposes therein stated.

Betty L. Doan  
Notary Public for Oregon

My commission expires: 7-1-1992



**IRREVOCABLE CONSENT TO ANNEXATION**

WHEREAS, GORDON O & SANDRA L. MIZE is owner of certain real property located within Curry County, Oregon, identified as Tax Lot(s) 1401, Assessor's Parcel Map No. 4013-31CB, which property is more particularly described in Exhibit "A" and/or Book of Records BR152 Page 313, and recorded on the 5 day of JANUARY, 19 89; and,

WHEREAS, the owner desires to initiate and/or renew a request for water service outside the corporate limits of the City of Brookings; and,

WHEREAS, in order to assure required control by the City of Brookings of connections and water use in perpetuity, the owner of the above described property, pursuant to Ordinance No. 88-0-432, covenants to the City of Brookings and irrevocably consents to be annexed to the City of Brookings without an election being held within the territory to be annexed, at such future time as all legal requirements for annexation have otherwise been met and at the discretion of the City, and,

**NOW, THEREFORE, IT IS AGREED AS FOLLOWS:**

1. This irrevocable consent to annexation is an instrument affecting the title and possession of the real property described in Exhibit "A". and/or Book of Records BR152 Page 313. All terms and conditions herein imposed shall run with the land and shall be binding upon and inure to the benefit of the successors in interest of owner. Upon any sale or division of the property as herein described the terms of this consent shall apply separately to each parcel and the owner of each parcel shall succeed to the obligations imposed on owner by this consent.
2. The owner, and all successors in interest of the owner of the above described property hereby covenants, agrees and irrevocably consents to the annexation of said real property as herein described to the City of Brookings, and that said annexation be without an election being held within the territory to be annexed, at such future time as all legal requirements for annexation have otherwise been met and at the sole discretion of the City.
3. In accordance with ORS 222.170 it is hereby represented and stated that the undersigned are the owner(s) of either the legal and/or equitable title to the real property herein described.

Dated this 6 day of JANUARY, 19 90.

OWNER(S):

Gordon O. Mize  
Sandra L. Mize

CITY OF BROOKINGS:

John C. Buschhoff  
By:

CALIFORNIA  
STATE OF ~~OREGON~~ )  
COUNTY OF ~~CURRY~~ )  
Los Angeles



On this 6 day of JANUARY, 19 90, before me, GARY D. ROSSSELLI, a Notary Public in and for the State of Oregon, personally appeared GORDON O. MIZE, known to me to be the person who executed the Consent to Annexation and acknowledged to me that s/he executed the same for the purposes therein stated.

CALIFORNIA  
STATE OF ~~OREGON~~ )  
COUNTY OF ~~CURRY~~ )  
Los Angeles



On this 6 day of JANUARY, 19 90, before me, GARY D. ROSSSELLI, a Notary Public in and for the State of Oregon, personally appeared SANDRA L. MIZE, on behalf of the City of Brookings and known to be the person who executed the Consent to Annexation and acknowledged to me that s/he executed the same for the purposes therein stated.

Gary D. Rosselli  
Notary Public for Oregon  
My commission expires: Sept 18, 1992

Gary D. Rosselli  
Notary Public for Oregon  
My commission expires: Sept 18, 1992

**WAIVER OF TIME LIMIT IMPOSED BY ORS 222.173**

WHEREAS, GORDON O. & SANDRA L. MIZE

is the owner of certain real property located within Curry County, Oregon, identified as tax lot(s) 1401, Assessor's Parcel Map No. 4013-31CB which property is more particularly described in Exhibit A, and /or Book of Records BR152 Page 313, and recorded on the 5 day of JANUARY, 1989; and, WHEREAS, the owner desires initiating and/or renewing a request for water service outside the corporate limits of the City of Brookings; and,

WHEREAS, concomitantly the aforesaid property owner is executing a statement or irrevocable consent to annexation to the City of Brookings; and,

WHEREAS, City of Brookings requires said statement of irrevocable consent to annexation and waiver of the time limit imposed by ORS 222.173 before extending water service to the aforesaid property owner; and,

NOW THEREFORE, it is agreed as follows:

1. The aforesaid property owner is advised that ORS 222.173 provides the following:

"For the purpose of authorizing an annexation under ORS 222.170 or under proceeding initiated as provided by ORS 199.490(2), only statements of consent to annexation which are filed within any one year period shall be effective, unless a separate written agreement waiving the one year period prescribing some other period of time has been entered into between an owner of land or an elector and the City."

2. In order to obtain water service the City agrees that in exchange for said property owner waiving said one year time limitation and executing a statement of irrevocable consent to annexation, the City will extend water service to said land owner subject to Ordinance No. 88-0-432 of the City of Brookings.

3. The property owner, and all successors in interest of the owner of the above described property hereby consent and agree to waive the one year time period imposed by ORS 122.173 as quoted above.

4. The owner agrees that said statement of irrevocable consent to annexation shall have no time limitation and shall be valid in perpetuity and be binding upon the owner, his/her/their heirs, assigns, and successors, forever.

5. The owner hereby represents and states that the undersigned are the owner(s) of either the legal sense/or equitable title to the property herein described in Exhibit A, and or Book of Records BR162 Page 313.

Dated this 5 day of JANUARY, 1989.

OWNER:

Gordon O. Mize  
Sandra L. Mize

CITY OF BROOKINGS:

John C. Buschhoff  
By:

CALIFORNIA  
STATE OF OREGON  
COUNTY OF CURRY



On this 6 day of JANUARY, 19 90, before me, GARY D. ROSELLI, a Notary Public in and for the State of Oregon, personally appeared GORDON O. MIZE, known to me to be the person who executed the Waiver of Time Limit and acknowledged to me that s/he executed the same for the purposes therein stated.



CALIFORNIA  
STATE OF OREGON  
COUNTY OF CURRY

On this 6 day of JANUARY, 19 90, before me, GARY D. ROSELLI, a Notary Public in and for the State of Oregon, personally appeared SANDRA L. MIZE, on behalf of the City of Brookings and known to be the person who executed the Waiver of Time Limit and acknowledged to me that s/he executed the same for the purposes therein stated.

Gary D. Rosselli  
Notary Public for Oregon  
My commission expires: Sept 18, 1992

Gary D. Rosselli  
Notary Public for Oregon  
My commission expires: Sept 18, 1992

June 4, 2005

Attn: Mr. Ed Wait - C.D.D.  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

RECEIVED

JUN 8 2005

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

Re: Letter dated May 27, 2005 regarding Parkview Rd. resurfacing and the  
Consent to Annex documents recorded on your property.

Dear Mr. Ed Wait:

We have just received your letter claiming that our property is one of eight  
properties with a recorded consent form. At no time have we consented, nor  
signed, any such form.

Again - I would reiterate that we do not wish to replace our septic system at  
this time!

Best regards,

Theodore N. and Thelma Tsunokai

*Theodore N. Tsunokai*

*Thelma Tsunokai*

CC: Paul Hughes, Acting City Manager

~~John Bischoff, Planning Director~~ ✓

Dianne Snow, Senior Planner

LauraLee Gray, Building Official

*We will be in Brookings OR on 6-20-05  
17136 Parkview Dr. 469-8810*

Date: May 31, 2005

To: Paul Hughes/ To Whom it may concern  
Acting City Manager

**COPY**

SUBJECT: RE: CONSENT TO ANNEX:

I recently received a letter of intent to annex my property into the City of Brookings. This letter indicates that my property, 96975 Rustic Road, is one of eight properties wishing to annex into the City of Brookings.

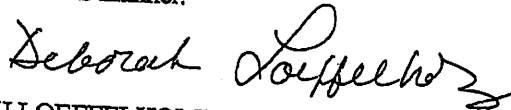
I contacted John Bischoff, Planning Director, Tuesday morning at approximately 0900 hours to discuss this situation and he informed me that I would need to author a letter to the City Managers Office explaining that I did not want to be annexed into the City.

With this letter I am informing the City of Brookings that I do not want to annex my property into the City limits and I do not want to hook up to the new sewer line that was installed. I currently utilized a standard septic system and wish to continue in this manner. I was opposed to the annexation of the new development at the end of Parkview Drive and have no desire for a sewer hook up I did not request.

I appreciate and thank you in advance for your managerial support in this manner.



DANIEL LOEFFELHOLZ  
96975 Rustic Road  
Brookings Oregon  
541-469-5666



DEBORAH LOEFFELHOLZ  
96975 Rustic Road  
Brookings Oregon  
541-469-5666

**RECEIVED**  
JUN 2 2005

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

# CITY OF BROOKINGS



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## EXAMPLE OF LETTER SENT TO EACH OF THE EIGHT PROPERTY OWNERS

---

June 29, 2005

Mr. and Ms. Theodore and Thelma Tsunokai  
17136 Parkview Dr.  
Brookings, OR 97415

Re: Annexation.

Dear Mr. and Ms. Tsunokai


In an earlier letter you were informed of the city's intent to annex those properties along Parkview Dr. that have recorded annexation agreements for water service. Some of these residents have expressed concern stating that they either did not sign an agreement or do not want to connect to the sewer. The purpose of this letter is to add some clarity to the situation.

Enclosed is a copy of the Annexation Agreement that was signed and recorded on your property. Although you personally may not have signed the agreement, it was signed by a previous owner of the property as an agreement for the city to provide water service. This agreement stays with the property upon sale to subsequent owners, as long as city water is being provided.

In regard to connection to the sewer main, current city ordinances do not require you to connect to the main at this time unless your septic system is failing or should fail in the future. Now that a sewer main is located in Parkview Dr., if your septic system should fail you would then be required to connect to the main. The reason for the annexation is so the city can place sewer laterals to your property line before the county does the street overlay. Of course you may connect to the lateral at any time you desire to do so by contacting the city and paying the associated fees as explained in the earlier letter. Your only cost at this time would be the \$995 dig-in fee to place the lateral to your property line.

I hope this answers some of your questions and relieves some of your concerns. If you have questions please call me at (541) 469-1137.

Sincerely,

  
John Bischoff, Planning Director

Cc: Ed Wait, Community Development Director



EXHIBIT A

Dave and Margie Lorenz  
96990 Rustic Rd.  
Brookings Or. 97415



August 5, 2005

Attn: Members of The Brookings City Council,

Dear Members of The City Council:

My name is David Lorenz. I own a mobil home on 1/2 acre located at 96990 Rustic Rd. When I bought this property in 1989 I was told that to have my water turned on I must sign a document of consent to annex into the City of Brookings. Needing water as soon as possible, I signed. Now the City has stated that I must annex and pay assorted fees to have a sewer hook-up stubbed out to my property. (Enclosed are documents from the City pertaining to these actions). As I am on a fixed income, these fees constitute a sizable amount for me and my wife.

I wish you would reconsider this and not force us to annex or hook to sewer at this time. I would consider the dig-in fee to stub the sewer to my property line. If in the future I were to have septic tank problems or major improvements to my property, I would be willing to annex into the City and pay the stated sewer fees.

Sincerely,

A handwritten signature in cursive script that reads "Dave Lorenz".

Dave Lorenz      and

A handwritten signature in cursive script that reads "Margie Lorenz".

Margie Lorenz

# CITY OF BROOKINGS



David F. and Marjorie Lee Lorenz  
P.O. Box 6733  
Brookings, Or. 97415

May 27, 2005

Re: Parkview Rd. resurfacing and the Consent to Annex documents recorded on your property.

Dear Mr. and Mrs. Lorenz:

The Curry County Road Department has announced that it would resurface Parkview Rd. in the late summer or fall of 2005. Once the street has been resurfaced the county has regulations that prevent cutting the new street surface for any reason, including placement of utilities, for a period of five years. Although Parkview Ave. was annexed into the city in 2002, the city will not take possession of the street for maintenance purposes until the street is constructed to city standards. However, since it was annexed, properties located adjacent to the street are considered to be adjacent to the city limits for the purpose of annexation. Now that a city sewer main has been placed in the Parkview right-of-way and particularly upon learning the county's intent to resurface Parkview and the "no cut" regulation, many property owners along the street have inquired about the ability to annex to the city to receive sewer service to replace existing septic systems or to allow further development of their property.

Several of the properties along Parkview Dr., in the process of receiving city water, have signed a Consent To Annex form, which is an agreement to annex to the city at the time the property becomes contiguous to the city limits and city services are available. With the extension of the sewer main in Parkview and the proposed county improvements, the City Council has requested staff to determine which properties along Parkview Dr. have signed Consent To Annex forms, with the intent of annexing these properties for the purpose of providing sewer service laterals from the sewer main to the property line, prior to the street resurfacing. Our records show that your property is one of eight properties with a recorded consent form.

This is your official notice that the city has directed staff to move forward with the annexation process of your property. City staff will work with all properties affected by this process and develop the information necessary to complete the annexation process. The city will waive the \$725 fee for annexation for this process and provide staff to complete the paperwork and hearings needed to complete annexation. The first hearing before the Planning Commission is tentatively planned for the month of July.

Your property already has water service but will be required to connect to the city's sewer system. System Development Charges (SDC's) are required for every new connection that will take capacity from the sewer system. The SDC component can be paid directly or it can be financed through the city. If your property has a septic tank the removal and/or abandonment of

the system will require inspection by the city. The following fees will need to be distributed to the city to complete your sewer connections activities.

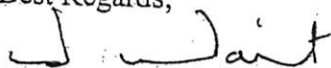
SEWER

Tap in fee: \$ 985.00  
Account fee: \$ 10.00  
Lateral fee: \$ 50.93  
SDC: \$6,700.00

TOTAL \$7,745.93

We appreciate your effort in working with the city to move this process forward and if you have any questions or require further clarification, please contact the following individuals; John Bischoff, planning director and/or Dianne Snow, senior planner for annexation, Laura Lee Gray, building official, for fees and permits.

Best Regards,



Ed Wait  
Community Development Director

Cc: Paul Hughes, Acting City Manager  
John Bischoff, Planning Director  
Dianne Snow, Senior Planner  
LauraLee Gray, Building Official

# CITY OF BROOKINGS



June 29, 2005

Mr. and Ms. David and Marjorie Lorenz  
P.O. Box 6733  
Brookings, OR 97415

Re: Annexation.

Dear Mr. and Ms. Lorenz:

In an earlier letter you were informed of the city's intent to annex those properties along Parkview Dr. that have recorded annexation agreements for water service. Some of these residents have expressed concern stating that they either did not sign an agreement or do not want to connect to the sewer. The purpose of this letter is to add some clarity to the situation.

Enclosed is a copy of the Annexation Agreement that was signed and recorded on your property. Although you personally may not have signed the agreement, it was signed by a previous owner of the property as an agreement for the city to provide water service. This agreement stays with the property upon sale to subsequent owners, as long as city water is being provided.

In regard to connection to the sewer main, current city ordinances do not require you to connect to the main at this time unless your septic system is failing or should fail in the future. Now that a sewer main is located in Parkview Dr., if your septic system should fail you would then be required to connect to the main. The reason for the annexation is so the city can place sewer laterals to your property line before the county does the street overlay. Of course you may connect to the lateral at any time you desire to do so by contacting the city and paying the associated fees as explained in the earlier letter. Your only cost at this time would be the \$995 dig-in fee to place the lateral to your property line.

I hope this answers some of your questions and relieves some of your concerns. If you have questions please call me at (541) 469-1137.

Sincerely,

  
John Bischoff, Planning Director

Cc: Ed Wait, Community Development Director

Rec'd 7/18/05

Date: August 7, 2005

**received**  
08-10-05 DS

To: City Council Members

SUBJECT: RE: CONSENT TO ANNEX:

On August 2, 2005, at 7:00 p.m. my wife, Debbie, and I attended the Public Hearing in the matter of File No. ANX-2-05 annexation of 8 tax lots located along Parkview Drive. As a result of this Public Hearing it was determined by the City Commissioners that those property owners wishing to Annex into the City, would have the opportunity. The City Commissioners also determined that those property owners that did not want to Annex at this time would not be required to do so. I do not want to annex my property,

Tax Lot 1398 at this time. However, if the City of Brookings would like to install the sewer stub to my property at this time without requiring annexation I would agree to this and pay the required \$995.00 for the dig in.

Several concerns were raised during the course of the Public Hearing:

1. Prior to the planned resurfacing of Parkview Drive the City would address the installation of 10" water line from Dodge Avenue up to the Vista Ridge Development. Currently there is a 6" water line from Dodge to Vista Ridge. I understand Engineers were relied upon and a new upgraded water pump was installed at Dodge Avenue. I also understand that the water tank was placed at the top of Vista Ridge to help alleviate future water pressure problems along Parkview Drive. However, numerous properties on the Vista Ridge development will now be required to purchase and install Booster Pumps so their properties will have adequate water pressure. This is going to be a serious problem in the future as more properties are developed. I would certainly hope the City Council would give this much thought and consideration prior to allowing the resurfacing of Parkview drive.
2. The water drainage problem is on going and was exasperated by the Vista Ridge development. The County addressed this and an unsightly culvert was installed adjacent to the already existing culvert at the corner of my property. This would seem to be "a bandage" to fix a serious drainage problem.

There were other concerns discussed at the Public Hearing and I am certain you will be given the opportunity to view these. The issues discussed in this letter affect not only my property but also many properties and citizens located along Parkview Drive.

With this letter I am informing the City of Brookings that I do not want to annex my property, Tax Lot 1398, into the City limits at this time.

I appreciate and thank you in advance for your managerial support in this manner.

  
DANIEL LOEFFELHOLZ  
96975 Rustic Road  
Brookings Oregon  
541-469-5666

  
DEBORAH LOEFFELHOLZ  
96975 Rustic Road  
Brookings Oregon  
541-469-5666

TO: Mayor and City Council

FROM: John Bischoff, Planning Director

THROUGH: Burke Raymond, City Manager

DATE: August 15, 2005



Issue: Annexation of a 3,600± sq. ft. parcel located at the northerly city limits adjacent to the east side of Old County Rd. and a 2,940 sq. ft. parcel located adjacent to the northerly city limits and the westerly boundary of Tax Lot 1700, which is in the city limits. See Exhibit 2.

Background: With the Pacific Terrace PUD/Subdivision was approved the private entrance road to the project is located just to the north of the city limits at a place where another driveway has already cut through the bank along the road. This location for the entrance road precludes further cutting of the bank and the applicant has purchased an area of 3,600± sq. ft. where the new road will enter the project. This parcel called Parcel 1 has been lot line adjusted into Tax Lot 1500. See Exhibit 2.

They have also purchased a 2,940 sq. ft. parcel located adjacent to the west side of Tax Lot 1700, which is in the city, and the northerly city limits. This parcel has been lot line adjusted into Tax Lot 1700. Tax Lot 1700 is a separate lot in the applicant's ownership but will become, with the 2,940 sq. ft. parcel, will be come three separate lots of the subdivision. The applicant will construct a water tank on the easterly most of these three lots and then the tank and lot will be dedicated to the city. See Exhibit 2.

The PUD will contain 29 lots and the tank lot and has been approved by the Planning Commission.

Recommendation: The Planning Commission and staff recommend approval of the annexation of both parcels. The Planning Commission Staff Report, a Final Order reflecting the Commission recommendation and Ordinance 05-O-568 are attached.



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

SUBJECT: Annexation  
FILE NO: ANX-1-05  
HEARING DATE: August 2, 2005

REPORT DATE: July 18, 2004  
ITEM NO: 8.1

---

**GENERAL INFORMATION**

APPLICANT: Bruce Brothers LLC.

REPRESENTATIVE: Jim Capp, Western Land Use Services.

REQUEST: To annex a 3,500± sq. ft. parcel of land located adjacent to the northerly city limits and adjacent to the easterly boundary of Old County Rd. and a 2940 sq. ft. parcel of land located adjacent to the northerly city limits and the westerly boundary of Tax Lot 1700, Assessor's Map 40-13-32CA, which is within the city limits.

TOTAL LAND AREA: 6,440± sq. ft.

LOCATION: Parcel 1, 3,600± sq. ft., located adjacent to the northerly city limits and adjacent to the easterly boundary of Old County Rd.  
Parcel 2, 2940 sq. ft., located adjacent to the northerly and westerly city limits on the west side of Tax Lot 1700, Assessor's Map 40-13-32CA, which is within the city limits.

ASSESSOR'S NUMBER: Parcel 1 is a 3,500± sq. ft. portion of the southwest corner of Tax Lot 205, Assessor's Map 40-13-32C, recently lot lined into Tax Lot 1500, Assessor's Map 40-13-32C.  
Parcel 2 is a 2,940 sq. ft. portion of Tax Lot 205, recently lot lined into Tax lot 1700, Assessor's Map 40-13-32CA.

**ZONING / COMPREHENSIVE PLAN INFORMATION**

EXISTING: Both lots are zoned County R-2 (Residential Two)

PROPOSED: Upon annexation both lots will be given the city's SR (Suburban Residential, 20,000 sq. ft. minimum lot size) Zone.

SURROUNDING: SR-20 in the city east of Old County Rd. and County R-2 north of the city limits.

COMP. PLAN: County Residential.

PROPOSED: City Residential.

**LAND USE INFORMATION**

EXISTING: Both parcels are vacant. Tax Lot 1700, Assessor's Map 40-13-32CA contains a house.

PROPOSED: Both will be come a part of an approved Planned Unit Development (PUD)

SURROUNDING: Single family homes on lots of various sizes.

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

## BACKGROUND INFORMATION

On July 6, 2004, the Planning Commission approved a Planned Unit Development (PUD) on a 13.9± acre parcel consisting of two tax lots, Tax Lot 1500, Assessor's Map 40-13-32CC and Tax Lot 1700, Assessor's Map 40-13-32CA. The PUD created 28 building envelope lots with large areas of common area interspersed throughout the project. The project is located on the east side of Old County Rd. and adjacent to the northerly city limits. Included in the approval is a 3,500± sq. ft. area that extended outside of the city limits adjacent to Old County Rd. and provides the best area for the private road within the PUD to intersect with Old County Rd. This 3,500 sq. ft. area was, at that time a portion of Tax Lot 205, Assessor's Map 40-13-32C and has recently been lot line adjusted into Tax Lot 1500.

Tax Lot 1700 is in the city limits and the approval of the PUD included a condition that the applicant dedicate a portion of its easterly end to the city as a site for a water reservoir. Tax Lot 1700 originally contained 0.61 acres and has a single family house. Since the approval of the PUD, the applicant has arranged to purchase a 2,940 sq. ft. portion of Tax Lot 205 that is located adjacent to the westerly side of Tax Lot 1700 and the northerly city limits (See Exhibit 2) and has lot line adjusted T/L 1700 to include this new area.

## PROPOSED ANNEXATION

Since the 3,600± sq. ft. area and the 2,940 sq. ft. areas are out side of the city limits but are now a part of the approved PUD, they must be annexed into the city and that is the purpose of this application.

## ANALYSIS

Proposed annexation petitions shall be determined to not represent a potential negative or adverse impact upon the citizens of Brookings, either financially or in terms of the livability of the community. Such determination shall be made by the evaluation and assessment of the proposed annexation in relation to the following considerations and criteria.

- A. The proposed annexation is within the urban growth boundary and represents a logical, efficient and economical extension of the city boundaries and is found to be a necessary control for development form and standards of an area adjacent to the City.
- B. The proposed annexation will facilitate the functional and economic provisions of services within the Urban Growth Boundary without seriously impairing city services to existing portions of the city (direct responsibility for extension costs shall be addressed).
- C. The annexation represents a needed solution for existing problems resulting from inadequate or insufficient provisions for sanitation, water service or other related problems resulting from development with less than full urban services and facilities provided.
- D. The proposed annexation will add property to the city which is needed to provide an adequate supply of zoned lands for the uses projected on the comprehensive plan or will add property which has existing development in need of urban services.

- E. The lands within the boundaries of the proposed annexation are demonstrated to meet identified needs for urbanization and/or transportation networks.

The applicant's representative has presented an analysis addressing the criteria listed above. However since both of the parcels to be annexed are small and are now a part of an approved PUD, their development potential has effectively been addressed. Neither of these parcels will provide for further development and thus annexation will have not particular impact on the city's services. The act of annexing them merely brings all of the property subject to the PUD into the city limits rather than having parts of the property hanging outside of the city limits. For this reason it is staff's opinion that it is not necessary in this report to state more than that staff agrees with the applicant's findings, which are attached.

## **FINDINGS**

The applicants findings are the primary findings in this matter and will be made a part of the Final Order if the annexation is approved. The following are general findings to show that all of the criteria have been meet.

1. The applicant has submitted findings addressing each of the goals of the city's Comprehensive Plan.
2. The applicant has submitted findings addressing the submittal required in Section 148.020, Annexations, of the Land Development Code.
3. The applicant has submitted findings addressing all of the criteria in Section 148.030.
4. The applicant has submitted findings addressing all of the criteria in Section 148.040.

## **CONCLUSIONS**

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

## **RECOMMENDATION**

Staff supports a recommendation of **APPROVAL** of Case File No. ANX-1-05, based on the findings and conclusions stated in the staff report.

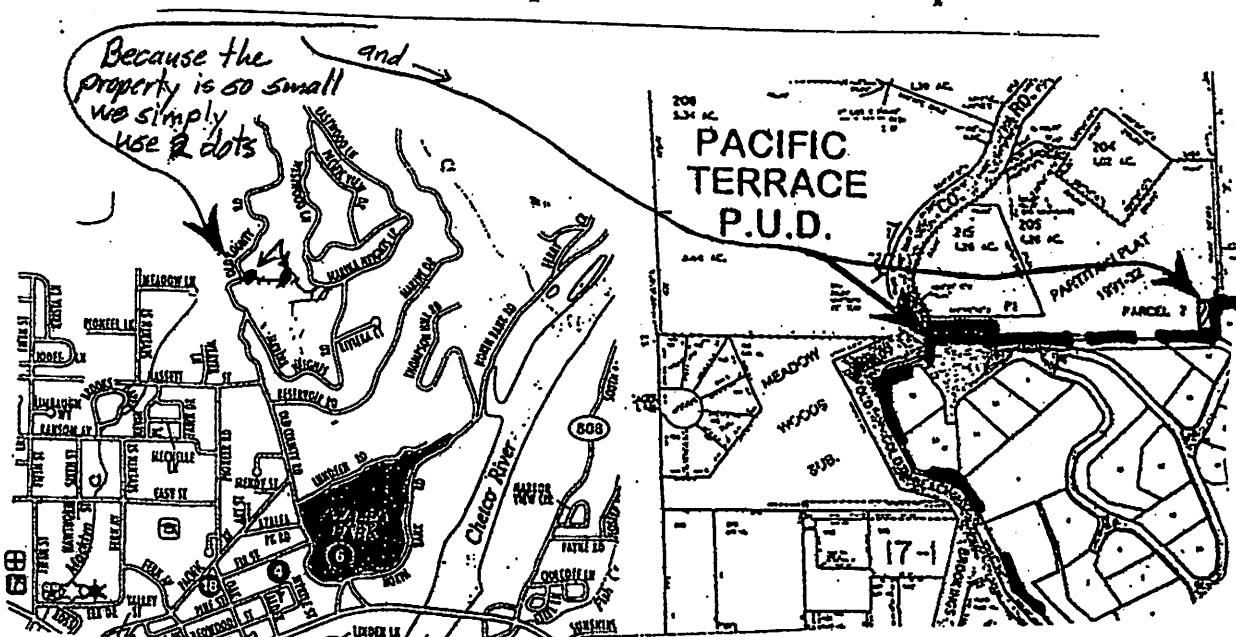
**ANNEXATION REQUEST  
SUBMITTED TO: CITY OF BROOKINGS, OREGON.**

**APPLICANT:** Bruce Brothers  
PO Box 61  
Brookings OR. 97415

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

**NOTICE:** This application has been developed for the specific applicant and property identified herein. Use of this application or portions of this application for other property or persons without the written consent of Western Land Use Services is not authorized.

**SUBJECT PROPERTY:** 0.08 acre part of Tax Lot 205, Map 40-13-32C  
and 0.067 part of Tax Lot 1700 Map 40-13-32CA



**PROPOSAL:** Bruce Brothers request annexation to the City of Brookings for two very small (3,500 and 2,940 square feet) undeveloped pieces of property. The first will serve as portion of a platted street to complete the approach to Old County Road at the north end of Pacific Terrace PUD/Subdivision a previously approved subdivision. The second is an exchange of area between parcel owners and no additional development is proposed. Also requested is the enactment of Suburban Residential SR 20 zoning for the subject property for no other reason than that is the zoning of Pacific Terrace PUD.

**APPLICABLE CRITERIA:** Brookings Planning Director advises Section 148.020, 030 and 040 of the Land Development Code and several Policies of the Comprehensive Plan should be addressed in this application. This application is formatted so that ordinance requirements and our findings in regard thereto are both presented. Each applicable criterion is quoted and is then followed by our proposed findings of fact in response to that criterion. Part I addresses applicable policies of the Comprehensive Plan; Part II addresses Land Development Code Section 148. The information contained in these Findings and Exhibits should be considered as evidence on the relevant criteria in support of this application. This request for annexation is not for any development of the subject property over that previously approved. The subject property will be utilized as street right-of-way to complete the roadway through Pacific Terrace PUD to Old County Road and an exchange of area between existing parcels. Since no use is proposed findings for the criteria will be brief.

## **FINDINGS IN SUPPORT OF ANNEXATION REQUEST**

### **Part 1 Land Development Code, Section 148**

#### **1. Statement of the Criterion:**

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

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

##### **a. Finding on this criterion:**

The requisite vicinity map appears on the cover page of this application. Additionally, other maps may appear throughout this application which show the subject property and its relationship to other property and features of the surrounding neighborhood. We conclude this application is in accord with this criterion.

#### **2. Statement of the Criterion:**

**B. Assessor's parcel maps of the proposed annexation area, which maps shall indicate and identify those parcels which consents to annex have been signed by either electors or owners.**

##### **a. Finding on this criterion:**

Assessor Map 40-13-32C is attached to this application as required. The 35' X 100' section of Tax Lot 205 and 79.66' X 30' section of Tax Lot 205 are the subject of this Request for Annexation. Recent deed transfer of the two small areas depicts the current ownership of Bruce Brothers LLC. No other property or ownership is included in this request for annexation. This proposal complies with this criterion.

### 3. Statement of the Criterion:

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

**a. Finding on this criterion:**

This request for annexation does not require consent to annex forms be signed. According to City Planning Director the act of submitting application for annexation, because it shows intent of the property owner and contains that owners signature, replaces the need for the consent to annex form. Therefore, no consent to annex form is necessary with this application and none is submitted. This application is a statement of intent and consent to annex by the owner and therefore is in compliance with this criterion.

### 4. Statement of the Criterion:

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

**a. Finding on this criterion:**

The legal descriptions, prepared by Stuntzner Engineering and Forestry LLC, are attached to this application.

### 5. Statement of the Criterion:

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

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

The Curry County Assessor office indicates current real market value assessments as follows: Because ownership of the subject has only recently been transferred to Bruce Brothes LLC (December 04) and a new tax lot number and map have not yet been created, we utilize the assessment information for the parent tax lot (TL 205) and extrapolate as follows for both sites:

Tax Lot 205 ; Land = \$175,940

4.28 acres = 186,437 square feet

= approximately \$0.94 / square foot

\$0.94 / square foot X 3,500 square feet = \$3,290

The subject 0.08 acres (3,500 square feet) property is assessed at \$3,290

That first subject property is 3,500 square feet of current Tax Lot 205, Map 40-13-32C

The subject 0.067 acres (2,940 square feet) property and is assessed at \$2,763.60

That second subject property is 3,500 square feet of current Tax Lot 205, Map 40-13-32C

There are no structures on the property and no electors residing on the property.



## **6. Statement of the Criterion:**

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

**a. Finding on this criterion:**

There are no dwelling units within the territory proposed to be annexed.

There are no commercially assessed structures located on the Subject Property according to records of the Curry County Assessor Department.

## **7. Statement of the Criterion:**

**G. Written findings of fact prepared by the petitioner(s) or petitioner(s) representatives which address the following:**

- 1. Existing land uses within the territory proposed to be annexed.**
- 2. existing zoning and comprehensive plan designations within the territory.**
- 3. Existing improvements, such as water system, streets, sanitary sewer, storm drainage.**
- 4. Special service districts within the territory proposed to be annexed, such as water, irrigation, fire, school, sanitary.**
- 5. Urban services needed and necessary to service the territory proposed to be annexed, the availability of same relative to capacity, condition and cost of extension and/or improvement to urban standards.**
- 6. Compliance with all applicable goals and policies of the comprehensive plan.**
- 7. Compliance with any of the below listed criteria A through E of subsection 148.030.**

**a. Finding on this criterion:**

The Subject Property, 3,500 and 2,940 square foot parts of Tax Lot 205 is vacant.

The subject property lies within the jurisdiction of Curry County. The County Comprehensive Plan designates the property as Residential and the County Zoning Ordinance Map indicates all of the subject property is zoned Residential R2. The subject property is located within the Brookings Urban Growth Boundary as adopted in 1981 and later amended in 1995.

The subject property does not have any facilities currently serving it. Once the property is annexed the larger site will be utilized to complete the street and utilities systems serving Pacific Terrace PUD; the smaller as a simple trade of area between property owners. Neither portion of TL 205 is served by either municipal or on site subsurface sewage systems at this time.

**b. Finding on this criterion:**

According to Assessor Map 40-13-32C, the subject property is located in an area of Curry County assigned tax code area 17-1. According to printed information distributed by the Assessors Office titled "Curry County 2003-04 Tax Roll Summary By Taxing Districts" the following special districts and other entities have taxing authority in this tax code area:

School District 17-C

Education Service District

South West Oregon Community College

Port of Brookings-Harbor  
South Curry Cemetery District  
Suburban Fire District  
Chetco Library District  
Coos Curry 4H & Extension  
Curry County General  
Curry Soil and Water Conservation

Based on this tax code area information there are no special districts providing municipal water or sewer services to the subject property or its vicinity.

Applicant, Bruce Brothers LLC, is currently developing Pacific Terrace PUD under permit issued by the City to include construction of sewer and water lines along Old County Road and through that development. Connection may be made through the street right-of-way provided by the subject property to serve that subdivision. No service of any kind, except perhaps drainage from the surface of the street to be constructed over the subject, is anticipated or needed to serve the area of the subject property.

Old County Road is a paved, striped, two lane County Road which lies adjacent the Subject to the west. It is a local road where it abuts the subject property. It is designated a Collector south from its intersection with Marine Drive by the Brookings and South Curry County Transportation Systems Plan.

**Criteria Repeated:**

6. Compliance with all applicable goals and policies of the comprehensive plan.
7. Compliance with any of the below listed criteria A through E of subsection 148.030.

**d. Finding on this criterion:**

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

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

**8. Statement of the Criterion:**

**148.030. Annexation criteria.** Proposed annexation petitions shall be determined to not represent a potential negative or adverse impact upon the citizens of Brookings, either financially or in terms of the livability of the community. Such determination shall be made by the evaluation and assessment of the proposed annexation in relation to the following considerations and criteria.

A. The proposed annexation is within the urban growth boundary and represents a logical, efficient and economical extension of the city boundaries and is found to be a necessary control for development form and standards of an area adjacent to the city.

**a. Finding on this criterion:**

Through out the land use planning process cities and counties were to establish urban growth boundaries in response to Statewide Planning Goal 14. The subject property is within the Urban Growth Boundary adopted along with the City of Brookings 1981 Comprehensive Plan. Additionally, the subject property lies within the expanded Urban Growth Boundary adopted by the City of Brookings and Curry County in 1995. The subject property remained within the Urban Growth Boundary after Periodic Review work task evaluations were Acknowledged recently by the Land Conservation and Development Commission. Two of the seven factors address "...orderly and economic provision of public facilities and services" ...and... "Maximum efficiency of land uses within and on the fringe of the existing urban area...". Following the adoption of the 1981 Comprehensive Plan the Land Conservation and Development Commission acknowledged the Brookings Comprehensive Plan (and the included Urban Growth Boundary) as being in compliance with the Statewide Planning Goals. Several years of effort by the City of Brookings and Curry County to amend the UGB resulted in changes the boundary in 1995 and subsequent LCDC Acknowledgment of that amendment. Therefore, we conclude the proposed annexation is within the urban growth boundary and represents a logical, efficient and economical extension of the City boundaries. Further, annexation of the subject property is found to be a necessary control for development form and standards of an area adjacent to the City because its use will be as part of the road system transportation network serving an approved development within the City and connecting that development to Old County Road.

**9. Statement of the Criterion:**

**B. The proposed annexation will facilitate the functional and economic provisions of services within the Urban Growth Boundary without seriously impairing city services to existing portions of the city (direct responsibility for extension costs shall be addressed).**

**a. Finding on this criterion:**

The subject property will serve as an area over which a street will be constructed (as well some facilities may be buried beneath it) to serve a previously approved planned unit development. No other use of it is anticipated. Tying street and service networks together in a continuum will certainly facilitate the functional and economic provisions of services within the UGB.

**10. Statement of the Criterion:**

**C. the annexation represents a needed solution for existing problems resulting from inadequate or insufficient provisions for sanitation, water service or other related problems resulting from development with less than full urban services and facilities provided.**

**a. Finding on this criterion:**

The annexation provides and will allow the completion of connecting the road system for previously approved Pacific Terrace PUD with Old County Road and other streets within the City. This connection of the street system serving that development is needed solution for the transportation network of that development and the neighborhood.

## 11. Statement of the Criterion:

**D. The proposed annexation will add property to the city which is needed to provide an adequate supply of zoned lands for the uses projected on the comprehensive plan or will add property which has existing development in need of urban services.**

### a. Finding on this criterion:

The subject is in the urban growth boundary and is planned and zoned for residential uses. The subject will be utilized as an extension of the road serving an approved development inside the City to Old County Road an existing road which extends through both City and County jurisdiction.

## 12. Statement of the Criterion:

**E. The lands within the boundaries of the proposed annexation are demonstrated to meet identified needs for urbanization and/or transportation networks.**

### a. Finding on this criterion:

As indicated above, the Brookings Comprehensive Plan of 1981 set out identified needs for urban residential land within the Urban Growth Area and the subject property was included within that boundary to supply a portion of that need. Since adoption of the Plan in 1981 there has been a major amendment to the Urban Growth Boundary in May 1995 which increased the size of the Urbanizable Area. The later needs analysis indicating greater needs for all classes of urban land underscore and emphasize the original decision the subject property is urbanizable, is needed for urban development and should be developed under and to urban development standards once annexed to the City. Because the subject is needed to complete the transportation network (roads) serving a previously approved development within the City, we conclude the lands within the boundaries of the proposed annexation are demonstrated to meet identified needs for urbanization and/or transportation networks.

## 13. Statement of the Criterion:

**148.040 Annexation impact analysis. the comprehensive plan sets forth a program and direction for the future growth and development of the city of Brookings. Annexations are a means of implementing the goals and policies contained in the plan, recognizing that the city must plan for and provide extension of services to contiguous lands that will allow for development to densities as designated in the plan following annexation.**

**To assure that the planning commission and city council, prior to acting upon a proposal for annexation, is fully informed as to the potential impacts of the annexation upon both the city and the territory proposed to be annexed, it shall be required that an impact analysis containing, but not limited to, the following information be prepared and submitted by the applicant(s) for consideration by the staff, advisory (Planning Commission) and approving authority (City Council).**

**A. A statement of the municipal service needs, if any, of the territory proposed to be annexed, including police and fire protection; public sewer and water supply facilities; street**

improvement or construction, or both; and such other municipal services that may reasonably be required.

**a. Finding on this criterion:**

The subject is to be utilized as a small portion of a road way and a simple exchange of area between owners. It will have a 100 foot long road constructed over it to connect the road system of previously approved Pacific Terrace PUD with Old County Road. No dwellings or other such development could therefore occur on it. Therefore no municipal services need be required.

**14. Statement of the Criterion:**

**B. A statement of the projected methods and costs of supplying reasonably needed municipal services to the territory proposed to be annexed.**

**a. Finding on this criterion:**

No dwellings will be constructed on the subject. It will be utilized as a street extension; extending the Pacific Terrace PUD street to Old County Road and property exchange. No habitable structures will be added and no additional municipal services will be needed. It is City policy the developer will be responsible for construction of required services. The developer of the project will construct all streets and utilities necessary to develop the site. Richard Nored of HGE [Consulting Engineer for the City of Brookings] estimates costs for developing a street to City standards, including curbs, gutters and sidewalks on both sides, would be in the range of \$200 to \$250 per lineal foot. The cost to provide utilities (sewer, water and storm drainage buried) will likely range from \$100 to \$150 per lineal foot.

**15. Statement of the Criterion:**

**C. A statement of the additional revenues, if any, available to the city as a result of the annexation.**

**a. Finding on this criterion:**

The area for street extension will result in no additional revenues. The subject 0.067 acres is assessed at \$2,763.60 and will add approximately \$ 0.69 to City revenues ( $2.7636 \times 0.2482$ ).

**16. Statement of the Criterion:**

**D. A statement of the foreseeable impact of the proposed annexation upon property within existing city limits, and upon property outside the city limits and contiguous to property included within the proposed annexation.**

**a. Finding on this criterion:**

The subject property is to be utilized in part as a street and its right-of-way. This annexation

will allow construction of a short (and now missing) section of road which is needed to connect the road system within Pacific Terrace PUD to Old County Road. Providing that road system connection will allow ingress and egress of occupants of dwellings within that development as well as emergency and service traffic. The impact of this proposed annexation upon property within the existing city limits is likely to be positive because it enhances transportation circulation.

## **17. Statement of the Criterion:**

**E. A statement analyzing the impact of the annexation on the growth, development, and future of Brookings and its urban growth area, recognizing that even small-area annexations involve implicit policy decisions concerning long-range development and ultimate impacts.**

### **a. Finding on this criterion:**

As reviewed in this Application, the proposed annexation is in compliance with the criteria for annexation contained in the Brookings Land Development Code. Long ago the City developed and published its projected growth patterns in the Comprehensive Plan and Urban Growth Boundary documents. Annexation of this tiny property will not bring about all of the plans and aspirations of the City. Annexation of the subject property will assist the City to reach its goals for a coordinated transportation system.

## **18. Statement of the Criterion:**

### **148.050 A. Zoning of annexed property.**

**A proposal for annexation shall include a request for a city zoning designation for the territory proposed to be annexed which shall be considered at the time of the annexation proposal. The zoning designation of annexed territory shall be specified in the annexation ordinance and shall become effective upon acceptance of the annexation by the secretary of state.**

**B. The zoning classification of newly-annexed parcels shall be determined as follows, except where a plan amendment is requested by the property owner(s) based upon criteria outlined in Section 144:**

<u>County zone</u>	to	<u>City zone</u>
R-1		R-1 (Section 20)
R-2		R-MH (Section 32)
R-3		R-MH (Section 32)

### **a. Finding on this criterion:**

The subject property is currently Zoned R-2 (Residential Two) under Curry County Zoning Map and Ordinance. Applicant does not request a plan amendment; and, assumes the City will apply the Suburban Residential SR 20 Zone, for no other reason than that is the zoning of approved Pacific Terrace PUD, rather than the R2 zone or otherwise in accord with Subsection B. of this criterion.



## Part 2, Policies of the Comprehensive Plan

### 1. Statement of the Criterion:

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

#### a. Finding on this criterion:

The City has adopted as part of its Land Development Code a requirement that it notify property owners within 250 feet of a proposed action. Applicants are required to provide the City a list of owners of property within that distance. Figure 1 below provides ownership information for all lots touched by or included within the 250 foot distance. This list was compiled from Curry County Assessment Department records of ownerships of all property within that 250 feet distance of the subject.

**Figure 1**  
**Owners of Property Within 250'**

**Tax Lot      Owner**

**On Map 40-13-32C**

205    Helmut Bacher, Eveline Williams PO Box 6326 Brookings OR 97415  
206    Sandra Bonney 16900 Old County Road Brookings OR 97415  
208    Kevin Patrick & Teresita Wong  
215    Dennis Tippetts PO Box 1061 Brookings OR 97415

**On Map 40-13-32CA**

1500   Judy L Kennedy 1231 Muirkirk Court Folsom CA 95630  
1600   Michael & Ellen Winger 97670 Marina Heights Loop Brookings OR 97415  
1700   George & Corinne Langley 1055 Marina Heights Loop Brookings OR 97415  
1800   Garry & Meta Kent 97673 Marina Heights Road Brookings OR 97415  
1900   Harold & Sherry Gallaty PO Box 7962 Brookings OR 97415

**On Map 40-13-32CC**

100    Donna & Allen Olander 1529 West Newgrove Ave Lancaster CA 93534

#### b. Finding on this criterion:

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

## **2. Statement of the Criterion:**

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

### **a. Finding on this criterion:**

Goal 2 is broad instruction given cities and counties by the state as to how the land use process is designed. It sets general parameters for making decisions.

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

## **3. Statement of the Criterion:**

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

**and**

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

### **a. Finding on this criterion:**

The subject property is not zoned as either agriculture or forest land. It is zoned as residential land under Curry County Zoning Ordinance and Map. The Subject Property lies within the Brookings Urban Growth (UGB) as originally adopted. It lies within the UGB as amended in 1995. That amendment, which continued inclusion of the subject property within the UGB, was acknowledged by the Land Conservation and Development at its regular meeting in May, 2001. The Brookings Urban Growth Boundary includes all lands in the vicinity which have been considered for urbanization under the Goal 2 Exceptions criteria pursuant adopted Goal 14 findings. The County planned and zoned the subject property for residential use over two decades ago and that intended use remains the stated intent under the newly amended and acknowledged UGB. This application for annexation and City residential zoning will continue the intent of both the City and County to have the subject property developed as urban land. Goals 3 and 4 do not apply to this application.

#### **4. Statement of the Criterion:**

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

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

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

##### **a. Finding on this criterion:**

Implementation measure 3, states "Brookings will use the Curry County zoning ordinance and the Comprehensive Plan to implement those policies which apply to areas within the Urban Growth Boundary Area..." According to the Curry County Zoning map the subject property lies within the Brookings UGB and is zoned Residential R-2. The subject property is already slated for residential uses via County zoning and that zoning or similar residential zoning will no doubt be applied via this annexation request. Therefore, both City and County land use ordinances project residential development for the subject and by annexing this property the City will be fulfilling the intent of the County Zoning Ordinance and Comprehensive Plan.

##### **b. Finding on this criterion:**

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

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

#### **5. Statement of the Criterion:**

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

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

**a. Finding on this criterion:**

Environmental quality statutes, rules, standards and implementation plans are applied to development through implementation of measures such as safety and sanitation criteria of the state plumbing and building codes and standards and practices of transportation network design. These criteria are a facet of the permitting process which is required for development and they will be applied to development of the road and any buried utilities on the subject property upon approval of annexation and subsequent application for any permits or engineering approvals through the City. We conclude this proposal will be rendered consistent with environmental quality statutes, rules, standards and implementation plans through the development permitting process utilized by the City.

**6. Statement of the Criterion:**

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

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

**a. Finding on this criterion:**

The subject property is located in hilly terrain. There are two small sites; one to be utilized for a road right-of-way and the other a simple area exchange by adjoining owners. Because the previously approved Pacific Terrace PUD, for which development's road system this small property will be utilized, is in the same hilly terrain, the applicants previously contracted for geologic assessment of that development (approx. 13 acres). Although no concerns for potential hazards are known for the subject property at this time, engineering work through the City will impose appropriate measures if any are needed. Annexing the subject is in compliance with Goal 7.

**7. Statement of the Criterion:**

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

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

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

**a. Finding on this criterion:**

Because the subject property is to be utilized as a section of road right-of-way only and no development other than road and utilities is to occur, the proposed annexation will have no impact on recreational uses other than to assist, by way of enhancing travel, in the mobility of Brookings residents. We conclude annexation of the subject property is not reasonably affected by Goal 8 and that Goal 8 does not apply to this application.

## **8. Statement of the Criterion:**

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

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

### **a. Finding on this criterion:**

The subject property is quite small and is not to be utilized for any purpose other than an extension of a road way and utilities; and to exchange area between adjoining owners. Other than providing for ease of transportation to and from a previously approved development, Pacific Terrace PUD, annexation of this property and construction of a road on it will have little or no impact on the economy of Brookings. We conclude this proposed annexation either will not conflict with Goal 9 or that Goal 9 does not apply to this application.

## **9. Statement of the Criterion:**

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

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

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

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

### **a. Finding on this criterion:**

The City, for many years, worked to adopt and later amend an urban growth boundary to guide its growth and development. The process of UGB amendment hit a milestone in 1995 when the amended Boundary was adopted. The process of gaining Acknowledgment of that amendment by the Oregon Land Conservation and Development culminated after that Commission's action on the matter in May of 2001. The subject property was in the original Urban Growth Boundary and remains within that recently acknowledged boundary. It is therefore in an area planned to be developed to urban standards and densities. Through mutual policy decisions which guide the implementation of the urban growth boundary, both the County and City, and now with renewed concurrence from LCDC through another acknowledgement, have all set out the intent the subject property is best utilized for urban development and standards. The subject is located within a neighborhood of probable continued medium income housing and the goal is to continue to provide for growth (additional land for development) in that sector as it is to provide growth in other sectors. That said, however, the subject property is quite small and is not to be utilized for any purpose other than an extension of a road way and utilities to serve a previously approved development, Pacific Terrace PUD. Other than providing for ease of transportation to and from that PUD annexation of this property and construction of a road on it will have little or no impact on the provision of varied

housing in Brookings. We conclude this proposed annexation either will not conflict with Goal 10 or that Goal 10 does not apply to this application.

## **10. Statement of the Criterion:**

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

**Public Works:**

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

**a. Finding on this criterion:**

The city "Standard Detail and Specifications" quoted in the Plan have, over time since adoption of the Plan, been updated and amended. According to City staff the current document is referred to as "General Engineering Requirements and Standard Specifications" and was adopted in August 1988 and updated August 1998. Those standards are applied to all development and will be applied to development of any public facilities which may be placed in the road right-of-way which will be established on the subject property. The framework of public facilities and services is guided by implementation of those standards through the land use permit process, including building and plumbing permits and or engineering standards. In conjunction with long term land use decisions already made through residential zoning (presently County) having been placed on the subject property; engineering standards and zoning together provide the framework for construction of the road and installation of any public facilities on this property. This proposal for annexation is in accord with Goal 11.

## **11. Statement of the Criterion:**

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

**a. Finding on this criterion:**

City design standards for roads and streets are long standing and apply to all new development of such facilities. Standards for design and construction of streets and roads to serve new development are contained in City ordinances which were adopted in response to the Comprehensive Plan. The act of the City adopting and now enforcing those standards implements the goal "to provided and encourage a safe convenient and economic transportation system". Given approval of this request for annexation, a subsequent development of the short section of street on



the subject property will be processed in accord with current City standards for streets and other public facilities. The stated use of the subject property will become consistent with Goal 12 through implementation of the General Engineering Requirements and Standard Specifications previously adopted and contained in Brookings Code.

## **12. Statement of the Criterion:**

**Goal 13 To conserve energy.**

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

### **a. Finding on this criterion:**

The subject property is two small sites and is not to be utilized for infilling per se. It will be utilized as a road right-of-way with road and utilities and a small property exchange. Its use in part as a road will, however, allow easy access in an efficient manner from previously approved Pacific Terrace PUD directly to Old County Road and thence to the shopping, recreational and other amenities of the City of Brookings. The subject property is located approximately three quarters to one mile from Highway 101, the major transportation route which traverses through the County and City. This drive should require two to five minutes. Therefore, annexation and subsequent use of the subject will result in short commute distances to this major traffic route. Similarly the close proximity of the subject to shopping, schools, governmental and professional services tends to promote little travel in order for homeowners to travel to and from these services. Those services are two miles or less distant to the southwest of the subject along Highway 101 near the intersection of Fifth Street. The subject is within a few minutes of City parks and the public schools. All these locational factors will result in the desired situation whereby driving distances for normal family activities are kept short through the access road to Old County Road which will be extended over the subject property. Shorter travel distances between homes and schools, parks, government, professional and commercial services means less fuel consumed; less tire wear and etc. All of which translates into less energy consumption; whether the energy consumption results from engine operation time, manufacture of tires or vehicle repair parts, these factors will help bring about the desired savings of energy. For the above stated reasons, annexation and subsequent extension of the road over the subject property is a development practice which will conserve energy.

## **13. Statement of the Criterion:**

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

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

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

facilities at the lowest level possible.

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

**a. Finding on this criterion:**

As demonstrated on the Zoning Map the subject property lies contiguous with the City Limit. The stated policy is to not extend City services until land is annexed within the corporate limits of the City. City services which could serve the previously approved Pacific Terrace PUD and which may need to be extended to that development over the subject, could then be installed. Since most urban services are present in the area, as it applies to this neighborhood the policy is referring mainly to municipal sewer service. Upon annexation, extension of City sewer service presently existing along Old County Road neighborhood could then occur over the subject if needed. We conclude annexation of the subject property is in accord with policies of Goal 14.

## **14. Statement of the Criterion:**

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

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

**a. Finding on this criterion:**

The Subject property is located one mile as the crow flies from the Chetco estuary. Runoff from precipitation received on the subject property will drain to the Pacific Ocean through natural drainages or manmade ditching drain facilities through the City from Old County Road area. Therefore, development of the subject property will not significantly impact the Chetco estuary. Goal 16 does not apply to this application.

## **15. Statement of the Criterion:**

**Goal 17 Coastal Shorelands**

**a. Finding on this criterion:**

The subject property is located over one mile from any Ocean shoreland and on the north extremities of the City as demonstrated by maps included in this report. The City lies between the subject and the ocean shoreland and resources. Goal 17 does not apply to this application and is not addressed here.

## 16. Statement of the Criterion:

### Goal 18 Beaches and Dunes

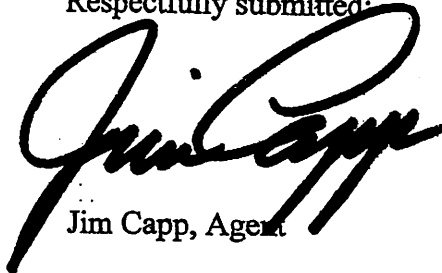
#### a. Finding on this criterion:

The subject property is located on the north extremities of the City. It is over one mile distant from any Ocean beach or dune. That separation distance and intervening space is occupied by high density urban level development. Goal 18 does not apply to this application and is not addressed here.

## CONCLUSION:

As indicated herein this request has been demonstrated to be consistent with and to comply with provisions of the Brookings Land Development Code and Comprehensive Plan which regulate our proposed use. Annexation of the small property for addition to an existing street right-of-way will bring about the intent of the Comprehensive Plan and Zoning for this portion of the Brookings Community. Based upon the evidence, findings and conclusions contained in this application we request approval of this annexation.

Respectfully submitted:

A large, stylized handwritten signature in black ink, appearing to read "Jim Capp".

Jim Capp, Agent

LAND SURVEYING

PLANNING

ENGINEERING

WATER RIGHTS

FORESTRY

GPS & GIS

*Stuntzner*

*Engineering  
& Forestry, LLC*



TELEPHONE (541) 469-5329

FAX (541) 469-0768

EMAIL: stuntzner.com

P. O Box 2748

97829 Shopping Center Avenue

Harbor, Oregon 97415

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### Bruce Brothers-Annexation Description

- BACHER TO BRUCE BROS. ACCESS TO OLD COUNTY ROAD, ADJUSTMENT #2

Beginning at the Southwest corner of that Parcel 2, Partition Plat No. 1991-32, Plat Records of Curry County, Oregon, said point being on the Easterly right of way of Old County Road #776 and located North 89° 03' 53" West 688.05 Feet from the Southeast corner of the Northwest one quarter (NW1/4) of the Southwest one quarter (SW1/4) of Section 32, Township 40 South, Range 13 West of the Willamette Meridian, Coos County, Oregon; Thence South 89° 03' 53" East (also known as South 89° 23' 13" East) 36.37 feet along the South line of Parcel 2 to a 5/8" Iron Rod at the Northeast corner of the adjusted right of way per record Instrument #92-03111, Deed Records of said Curry County; Thence continuing South 89° 03' 53" East 100.00 feet along the South line of said Northwest one quarter (NW1/4) of the Southwest one quarter (SW1/4); thence due North 35.00 feet;

Thence North 89° 03' 53" West parallel to said South line 126.00 feet, more or less, to the Easterly right of way of said Old County Road #776;

Thence Southwesterly 35.00 feet, more or less, along said right of way to the point of beginning.

Subject to that certain easement to the Waibel Estate, as recorded in Instrument #2003-3699, Deed Records of Curry County, Oregon.

Reserving unto the grantor the right to ingress and egress across the above-described parcel.

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**Stuntzner**

*Engineering  
& Forestry, LLC*



TELEPHONE (541) 469-5329

FAX (541) 469-0768

EMAIL: stuntzner.com

P. O. Box 2748

97829 Shopping Center Avenue  
Harbor, Oregon 97415

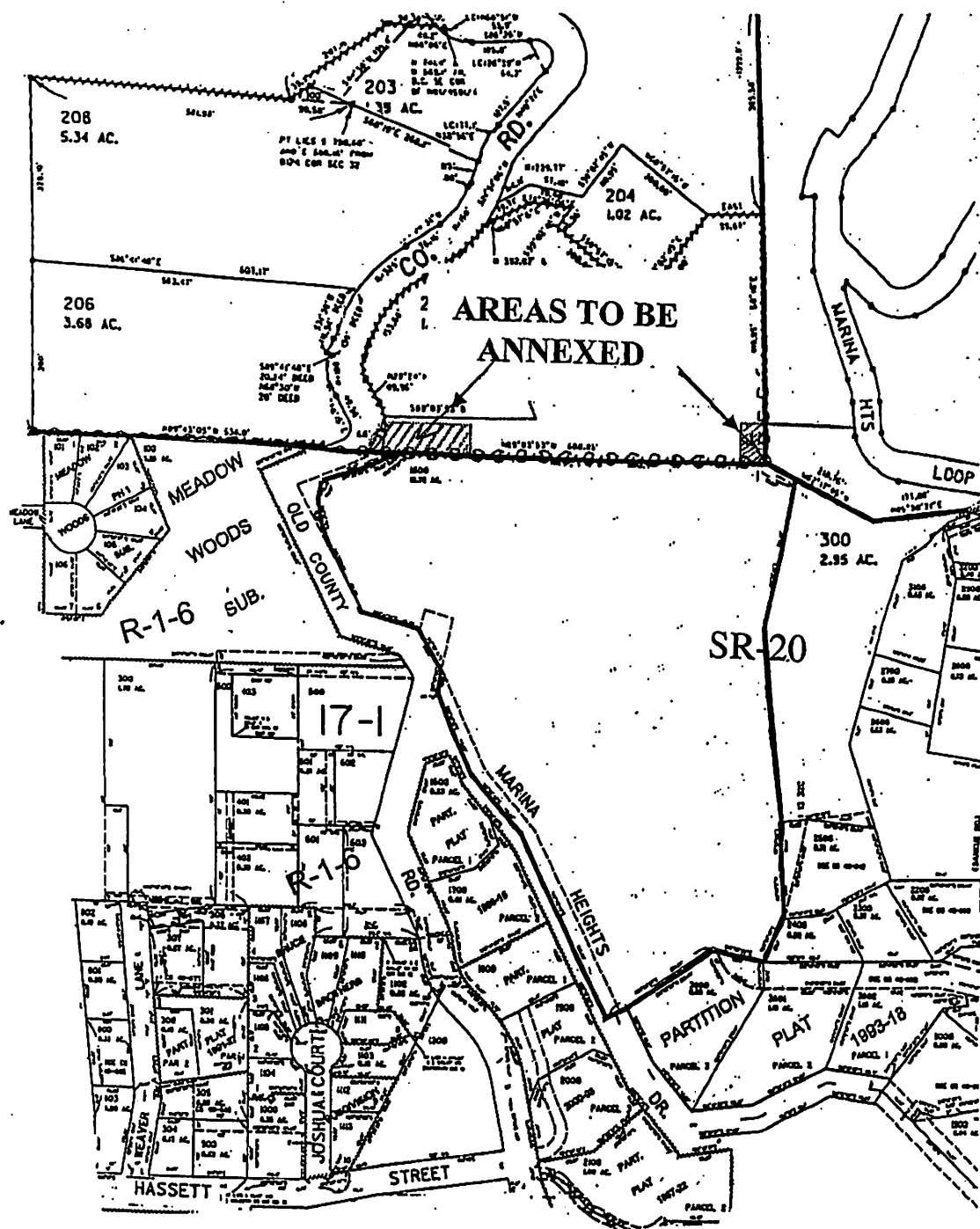
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GRANTOR: BACHER, HELMUT TRUSTEE ETAL  
Deed Reference Instrument # 1998-06444  
Assessor Parcel 4013-32C-Tax Lot # 205

GRANTEE: BRUCE BROS. L.L.C.  
Deed Reference Instrument # 2004-2623  
Assessor Parcel 4013-32CA-Tax Lot # 1700

DESCRIPTION OF AREA TO BE ADJUSTED (ADJUSTMENT #3)

Beginning at an iron pipe with a brass cap accepted as the Southwest One-sixteenth (SW 1/16) corner of Section 32;  
Township 40 South, Range 13 West, Willamette Meridian, Curry County, Oregon, said corner being the Southeast corner of that Parcel 2, Partition Plat # 1991-32, Plat Records of said Curry County;  
Thence North 0°52'41" East 79.66 feet along the current Grantor/Grantee common boundary to the Northwest corner of Lot 4, Second Addition to Marina Heights Subdivision;  
Thence along the new common boundary North 89°03'53" West 30.00 feet;  
Thence South 0°52'41" West 79.66 feet to the south line of said Parcel 2 and the end of the hereby-adjusted line;  
Thence South 89°03'53" East (also known as South 89°23'13" East) 30.00 feet along said south line to the point of beginning.



Applicant: Bruce Brothers

Assessor's No: 40-13-32 CA Tax Lot 1700

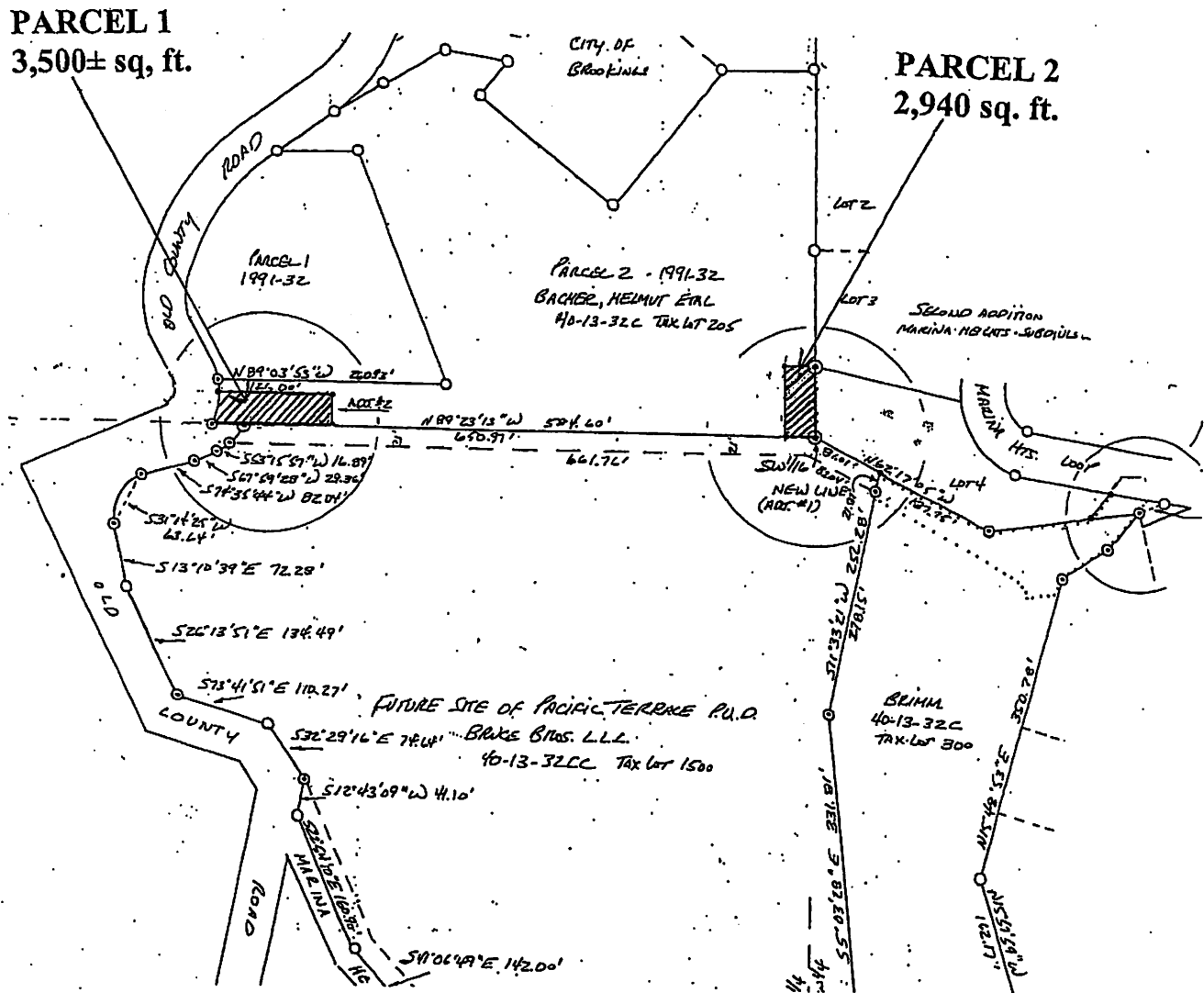
Size: 3,500 ± and 2,940 ±

Location: Marina Heights Road - Pacific Terrace

Zone: SR-20 (Suburban Residential)







**Applicant:** **Bruce Brothers**

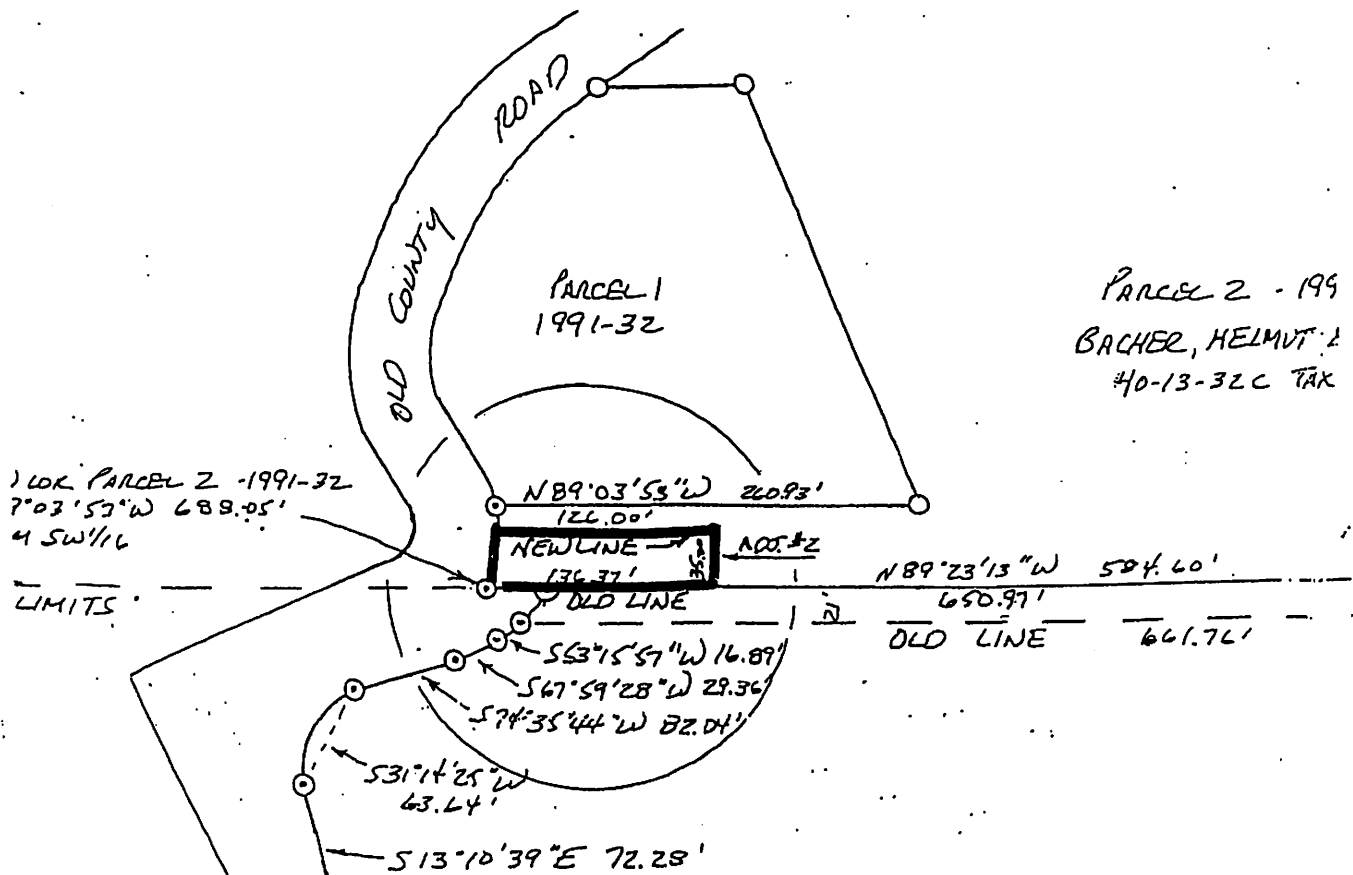
**Assessor's No:** 40-13-32 CA Tax Lot 1700

**Size:** 3,500 ± and 2,940 ±

**Location:** Marina Heights Road - *Pacific Terrace*

Zone: SR-20 (Suburban Residential)





Applicant:	Bruce Brothers
Assessor's No:	40-13-32CC Tax Lot 1500
Size:	3,500± and 2,940 ± Acre
Location:	Marina Heights Road-Pacific Terrace
Zone:	SR-20 (Suburban Residential)





TO: Mayor and City Council  
FROM: Dianne Snow, Senior Planner  
THROUGH: Burke Raymond, City Manager  
DATE: August 22, 2005



Issue: An appeal of the Planning Commission denial of a variance request for a reduction in the side yard setback area and the required setback from the dwelling to accommodate a non-conforming, 66 sq. ft. garden shed. The subject property is located at 1003 Ruth Lane in a Single Family Residential (R-1-6) Zone.

Background: The applicant was not aware of the required setbacks and, as a structure of this size does not require a building permit, nothing was submitted for review by the City prior to construction. The Land Development Code requires all structures to meet setbacks, even when no building permit is needed. The R-1-6 zone requires a 5 foot side yard setback. The shed is presently extending 2.4 ft into the required setback area. Section 132.020 (C) also requires accessory structures to be 8 ft from the dwelling. The shed abuts the dwelling. The applicant is requesting a variance to allow the shed to remain in this area.

To approve a request for a variance an applicant must meet four specific criteria. In order to meet the criterion relating to "exceptional or extraordinary conditions" the applicant described limitations due to the size of the property and the steep, terraced backyard. The Planning Commission did not find this criterion was adequately addressed and denied the variance, stating three suggested options for the shed's location as found in the attached Final Order. The applicant and the applicant's attorney have submitted some additional findings to further address this criterion.

Following this memo you will find:

- Planning Commission Staff Report
- Attachment A – Additional LDC Criteria specific to this application and not already included in Staff Report
- Attachment B – Applicant's Original Findings
- Attachment C – Comments from Fire Chief
- Attachment D – Planning Commission Final Order
- Attachment E – Additional Findings Provided by Applicant

Recommendation: The staff recommends consideration of the additional materials submitted in response to the Planning Commission's denial of this variance, as well as oral testimony that will be given at the hearing, to determine whether sufficient evidence supports approving this variance request.

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

SUBJECT: Variance  
FILE NO: VAR-02-05  
HEARING DATE: July 12, 2005

REPORT DATE: June 30, 2005  
ITEM NO: 8.2

---

**GENERAL INFORMATION**

APPLICANT: William Burletson

REPRESENTATIVE: Same

REQUEST: Approval of a variance to the side yard setback and setback from dwelling requirements.

TOTAL LAND AREA: 6,844 sq. ft.

LOCATION: The subject property is located at 1003 Ruth Lane, west of 4<sup>th</sup> St. and approximately 150 ft. south of its intersection with Ransom Ave.

ASSESSOR'S NUMBER: Map 41-13-06BA; Tax lot 3110

**ZONING / COMPREHENSIVE PLAN INFORMATION**

EXISTING: R-1-6

PROPOSED: Same

SURROUNDING: The subject property is surrounded by R-1-6 zoned parcels.

COMP. PLAN: Residential

APPLICABLE CRITERIA: Land Development Code – Ordinance No. 89-0-446  
Section 136 Variances  
**Section 132.020 (C) Accessory Structure and Uses**

**Note: Bolded section is included in staff report as Attachment A. Section 136 criteria can be found on page 2 of the staff report.**

**LAND USE INFORMATION**

EXISTING: The subject property is developed with a single family dwelling and shed.

**PROPOSED:** Same with setback variance for the existing shed.

**SURROUNDING:** Residential development.

**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 6,844 sq. ft. lot located in the Kimm Subdivision and accessed by Ruth Lane. The parcel has approximately 64 ft. of frontage on Ruth Lane. The west and east side property lines are approximately 126 ft. in length and the rear property line is bordered by Ransom Ave. and is approximately 64 ft. in length. The existing dwelling has the required 20 ft. setback from Ruth Lane. The house site is level. The rear yard slopes uphill to Ransom Ave. The yard in this area has been terraced and landscaped. The subject shed is located adjacent to the house on the east side. A request for an investigation of a potential violation resulted in the discovery of the setback problem.

## **PROPOSED VARIANCE**

The existing shed is 66 sq. ft. in size. An accessory structure of this size does not require a building permit to construct and site. The Land Development Code requires all structures to meet setbacks, even when no building permit is needed. The R-1-6 zone requires a 5 foot side yard setback. The shed is presently extending 2.4 ft into the required setback area. Section 132.020 (C) also requires accessory structures to be 8 ft from the dwelling. The shed abuts the dwelling. The applicant is requesting a variance to allow the shed to remain in this area.

## **ANALYSIS**

The Planning Commission must consider the following criteria when deciding on applications for a variance:

1. Exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control, and to which the applicant has not contributed.
2. The variance is necessary for the preservation of the property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.
3. The authorization of the variance shall not be materially detrimental to the purpose of this code, be injurious to property in the same zone or vicinity in which the property is located or by otherwise detrimental to the objectives of any city development plan or policy.
4. The variance request is the minimum variance from the provisions and standards of this code, which will alleviate the hardship.

The following is staff's analysis of the proposed variance in relation to the criteria cited above.

Criterion 1, Exceptional Circumstance.

The applicant's rear yard is a sloping area that has been terraced and landscaped. The applicant states the only place available to site the shed and be in compliance with setbacks would be up on a terraced area and block the view from the house.

Criterion 2, Preservation of A Property Right.

Typical dwellings, including many in the surrounding neighborhood, have a small shed or storage building.

Criterion 3, Affect On City Ordinances.

Variances, by their very nature, concern individual circumstances and must be based on the facts specific to the situation. For this reason, a variance can not set a precedent. Each variance request must be approved or denied on its' own merit. Planning Commission must decide if approval of this variance would have a detrimental impact on City Ordinances.

Criterion 4, Minimum Variance.

The shed is existing in the present location extending 2.4 ft into the setback area. A variance to allow the setback to be reduced to 2.6 ft. would be the minimum variance possible.

## FINDINGS

1. The applicant is requesting a variance to allow a shed to abut the dwelling and be located 2.4 ft within the side yard setback area. The shed already exists in this location. A request for an investigation of a potential violation resulted in the discovery of the setback problem.
2. The R-1-6 zone, in which the subject property is located, requires a 5 ft. side yard setback and an 8 ft. setback between the accessory structure and the dwelling.
3. No building permit was required to site the structure due to the limited size. The building code specifically waives any usual requirements for construction or siting of structures not requiring a building permit.
4. Due to the steepness of the backyard, it has been terraced. The only other location to site the shed and meet setbacks would be up on a terrace. This would make getting materials in and out of the shed a challenge. The applicant also states the windows and a patio overlook this landscaped area, and siting of the shed on the terrace would be detrimental to their view. These are the exceptional circumstances cited by the applicant.
5. A small storage shed or other type of accessory structure is an expected use in a residential zone. Many other residences in the vicinity have an accessory structure. The applicant indicates they conferred with neighbors before constructing the shed and were assured no one would be offended



by the structure. Siting of a small accessory structure is an expected property right in a residential zone.

6. The Planning Commission must review the specific details of this application and determine its effect on City Ordinances.
7. The shed is presently extending 2.4 ft. into the required side yard setback and abutting the dwelling. Approving the shed in its' present location is the minimum variance that would resolve the issue.
8. The applicant has provided Findings included in this report as **Attachment B**.

## CONCLUSIONS

It is the Site Plan Committee's opinion that the Planning Commission should make the conclusions and decision in this matter after reviewing the staff report and holding the public hearing.



Applicant: William Burletson

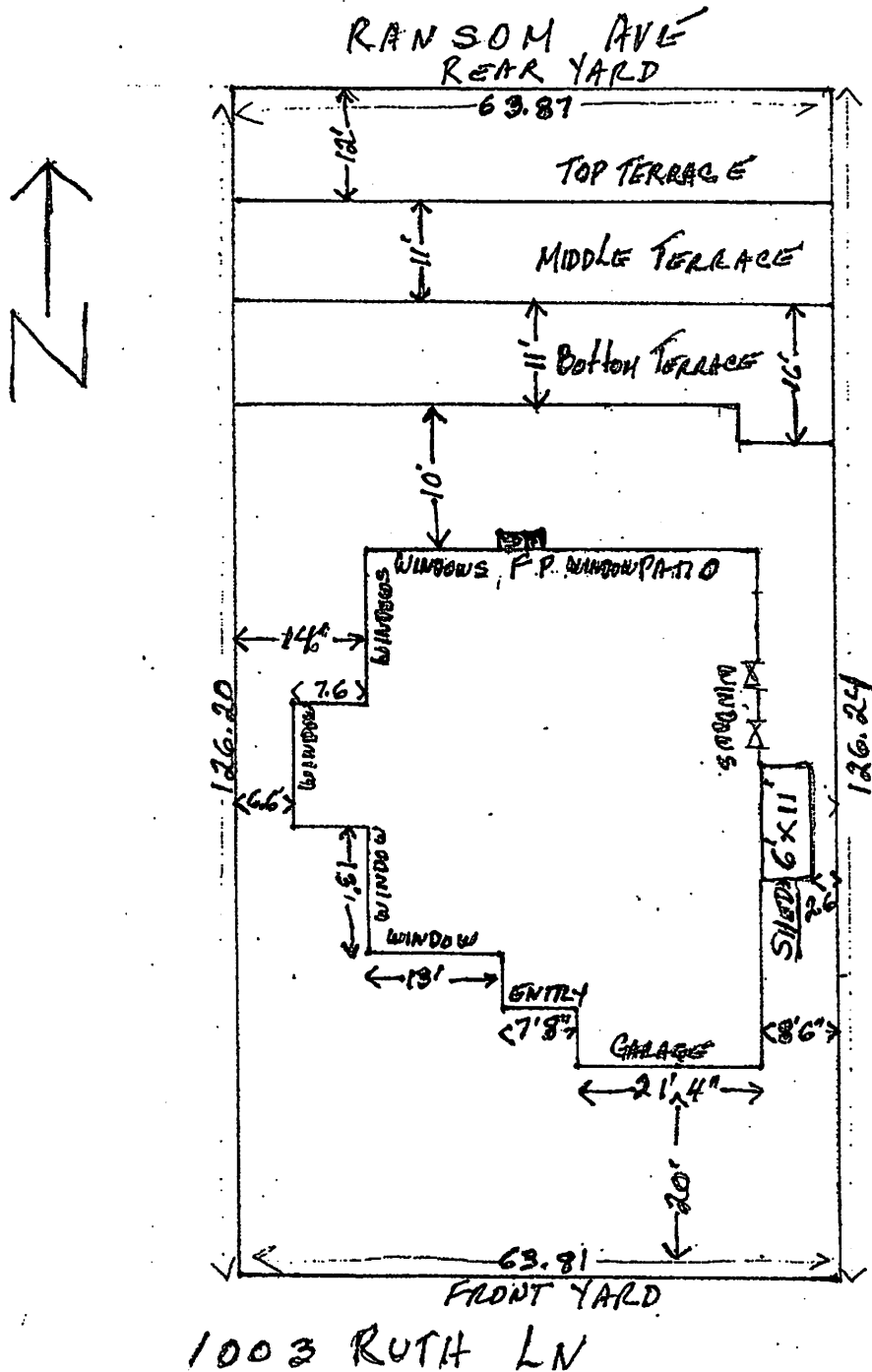
Assessor's Map: 41-13-06BA, Tax Lot 3110

Size: 0.13 acre

Location: 1003 Ruth Street

Zone: R-1-6 (Single-family, 6,000 sq.ft. minimum lot size)





Applicant: William Burletson

Assessor's Map: 41-13-06BA, Tax Lot 3110

Size: 0.13 acre

Location: 1003 Ruth Street

Zone: R-1-6 (Single-family, 6,000 sq.ft. minimum lot size)




**ATTACHMENT A**

**LAND DEVELOPMENT CODE CRITERIA**

**Section 132**  
**INTERPRETATIONS AND EXCEPTIONS**

**132.020 Accessory structures and uses.** Accessory structures shall comply with all requirements of the principal use except where specifically modified by this code and shall comply with the following limitations:

- A. A greenhouse or hot house may be maintained accessory to a dwelling in an "R" district, provided there are no sales.
- B. A guest house may be maintained accessory to a dwelling provided there are no cooking facilities in the guest house.
-  C. An accessory building shall not be located within eight (8) feet of a principal dwelling on the same lot.
- D. On any lot within an "R" district or any lot in another district facing an "R" district, transmitting or receiving antennas or dishes shall not be located within the space extending the full width of the lot between the main building and the front lot line. Satellite receiving dishes located within an "R" district shall be screened from view from the nearest public right-of-way.
- E. Boats, trailers, pick-up camper, motor home, and similar equipment may be stored, but not occupied, on a lot in an "R" district provided that:
  - 1. Parking and storage shall be at least five (5) feet from the front property line and at least three (3) feet from a street and interior side or rear lot line, except however, no storage shall be allowed within the twenty (20) feet of the corner along both property lines at a street corner. [As amended by Ordinance 03-O-446 RR, effective January 21, 2004].
  - 2. All areas used for storage of such vehicle/equipment shall be paved or a graveled hard surface. [As amended by Ordinance 03-O-446 RR, effective January 21, 2004].

**Section 136**  
**VARIANCES**

**136.010 Purpose.** Where practical difficulties, unnecessary hardships and results inconsistent with the general purposes of this code may result from the strict application of certain provisions thereof, variance may be granted as provided in this section. This section may not be used to allow a use that is not in conformity with the uses specified in this code for the district in which the land is located. In granting a variance, the city may impose conditions similar to those provided for conditional uses to protect the best interests of the surrounding property, the neighborhood or the city as a whole.

**Section 140**  
**CONDITIONAL USE PERMITS**

**140.050. D. Conditions of approval.** In permitting a conditional use, the Planning Commission may impose, in addition to regulations and standards expressly specified in this code, other conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the city as a whole. These conditions may include, but not be limited to, the following:

1. Increasing required lot size, yard dimensions, open spaces or buffer areas.
2. Requiring fences, walls or landscape screening and/or buffering where necessary to reduce noise, glare and maintain the property in a character in keeping with the surrounding area.
3. Requiring landscaping and maintenance thereof.
4. Increasing street widths, controlling the location and number of vehicular access points to the property for ingress/egress.
5. Requiring means of pedestrian/bicycle access pathways to serve the property.
6. Increasing the number of off-street parking and loading spaces required; surfacing and proper drainage of parking areas.

7. Limiting size, location and number of signs.
- ✱ 8. Limiting the location, coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property.
9. Limiting or prohibiting openings in sides of buildings or structures.
10. Enclosure of storage areas and limitation of outside display and/or storage of merchandise.
11. Requiring maintenance of grounds.
12. Regulation of noise, vibration, odors, etc.
13. Regulation of time for certain activities.
14. Establishing a time period within which the proposed use shall be developed.
- ✱ 15. The requirement of a bond for removal of such use within a specified period of time.
16. Increase the size, type or capacity of any or all utility services, facilities or appurtenances.
- ✱ 17. Requirements under which any future enlargement or alteration of the use shall be reviewed by the Planning Commission and new conditions imposed.
18. The Planning Commission may require that an applicant furnish the city a performance bond with a contractual agreement to assure its share of the development of streets, curbs, gutters, sidewalks, water, sanitary sewers, storm sewers or other necessary and essential public improvements to city standards.
19. The Planning Commission may also require that site plan committee review and approval is necessary in any particular situation to accomplish the purposes and objectives of this code.
- ✱ 20. And such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this section.

## ATTACHMENT B

Cover letter for request of variance of section 20.060 and section 12.020(6) set back requirements - accessory structure.  
1003 Ruth Lane - Tax lot 3110: Map 41-13-06BA

The storage shed was built on the east side of the garage with approximately 30" of clearance between the shed and the fence on the property line. This is the only area on the property that does not block views from windows. The shed has been pushed as close to the house as possible and has been painted the same color as the house in order to minimize the appearance. Since the City requires a set back of 5' from the side property line (section 20.060) and 8' from the house (section 12.020(6)) we have no place to put up a storage shed of any kind unless the City of Brookings grant us a variance.

At the time we purchased the property and contracted to have the home built, we were told by the builder that he would move the house to the west side of the property, as close to the property line as possible and that would leave us space for storage. We also had that area cemented in specifically in preparation for storage in the future. The propane tank and hose bib were moved to the west side of the house. All of this was done by the builder to give us room for a small storage shed.

The lot slopes sharply from Ransom Ave. on the north towards Ruth Lane on the south. In order to utilize the back of the yard it was necessary to create terraces. By doing this it left us with approximately 10' of level land between the terraces and the back of the house. The living area of the house is in the back and is composed of windows and doors and patio. If we tried to put a shed in this area it would block off the view of the planting done on the terraces. It would also be an eyesore to our neighbors across Ransom. We live in a nice area of Brookings and want to keep it that way. Please look at the plot map in order to better understand our problem.

Before putting up the shed we spoke to the neighbors around us and made sure that we would offend no one. We would welcome a visit from you to physically check out the property and see for



B-2

yourself what a small area we have to work with. You can also check with our neighbors. We are not asking for much, just the right to have a small storage shed on our property. We are surrounded by homes that have done the same thing that we have done, some in compliance and some not in compliance with City of Brookings rules and regulations, and feel that it would cause undue hardship to have to remove the shed.

Sincerely:

Mr. & Mrs. William Burletson

*Mr. & Mrs. W Burletson*



## **ATTACHMENT C**

### **MEMO**

**TO:** File VAR-02-05

**FROM:** Dianne Snow, Senior Planner

**DATE:** June 28, 2005

**SUBJECT:** Comments from Fire Chief

At Site Plan Committee meeting June 23, 2005 I spoke with Fire Chief, Bill Sharp, about the above referenced file which requests a reduced set back from side property line for a small shed. He indicated he had no concerns about the request.

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

In the matter of Planning Commission File No.	)	Final ORDER
VAR-02-05; application for a variance to side yard	)	and Findings of
setback and setback from a dwelling; William	)	Fact
Burletson, applicant.	)	

ORDER DENYING an application for a variance to allow a variance to side yard setback and setback from a dwelling; identified as Assessor's Map 41-13-06BA Tax Lot 3110, zoned R-1-6.

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with Section 136, Variances and Section 132.020 (C) Accessory Structure and Uses, of the Land Development Code which authorizes the Planning Commission to approve, approve with conditions or deny a request for a variance, based upon evidence that the proposal meets the following criteria:

- A. Exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control, and to which the applicant has not contributed.
- B. The variance is necessary for the preservation of the property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.
- C. The authorization of the variance shall not be materially detrimental to the purpose of this code, be injurious to property in the same zone or vicinity in which the property is located or by otherwise detrimental to the objectives of any city development plan or policy.
- D. The variance request is the minimum variance from the provisions and standards of this code, which will alleviate the hardship.

2. The Brookings Planning Commission duly considered the above described application on the agenda of its regularly scheduled public hearing on July 12, 2005; and

3. Recommendations were presented by the Planning Director in the form of a written Staff Agenda Report dated June 30, 2005, and by oral presentation, and evidence and testimony by the applicant and the public at the public hearing; and,

4. At the conclusion of the public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the Planning Commission, upon a motion duly seconded, accepted the Staff Agenda Report and DENIED the request for the subject application and directed staff to prepare a Final ORDER and Findings of Fact to that affect.

THEREFORE, IT IS BY HEREBY ORDERED that the application for a variance on the subject

parcel is denied. This denial is supported by the following findings and conclusions:

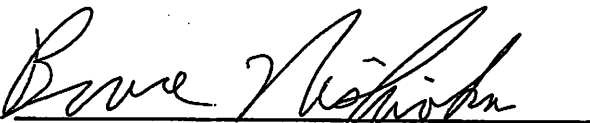
### FINDINGS

The applicant failed to show exceptional circumstances apply to this property. The Planning Commission determined it is possible to site the subject shed in another location on the property that would meet the setback requirements. Several options were considered:

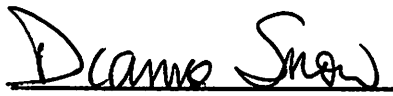
- Remove a portion of the terrace to create a location for the shed on the same level as the house; or
- Park one car outside of the two car garage to make room for materials now kept in the shed; or
- Attach the shed to the rear of the house, eliminating the need for a setback between the dwelling and accessory structure, and allowing sufficient rear yard setback.

As the Planning Commission considered there to be no exceptional circumstances, granting of this variance would be detrimental to the purpose of the Land Development Code.

Dated this 2nd day of August, 2005

  
Bruce Nishioka, Chairperson

ATTEST:

  
Dianne Snow, Senior Planner

RECEIVED

AUG 11 2005

ATTACHMENT E

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

BEFORE THE COMMON COUNSEL  
CITY OF BROOKINGS, COUNTY OF CURRY  
STATE OF OREGON

In the matter of Planning Commission File No. )	Final Order
VAR-02-05; application for a variance to a )	(Proposed)
side yard set back and set back from a dwelling; )	Findings of Facts
WILLIAM BURLETSON, Applicant )	
_____ )	

The Applicant and his wife submit the following as proposed Findings of Fact, on their appeal from the denial of an Application for Variance from the Planning Commission.

1. Williams Burlington and Jimmie Burlington, husband and wife, are the owners of residential property located at 1003 Ruth Lane, west of 4<sup>th</sup> street and approximately 150 south of it's intersection with Ransom avenue. The property is further identified as Tax Lot 3110, Curry County Tax Map #41-13-06 BA.
2. The lot is approximately 6, 844 square feet. A single story, single family residence with attached garage is located on the lot.
3. The rear yard of the lot is a terraced hill. Plants and other landscaping has been placed on the terraced hill.
4. The rear yard of the lot has severe drainage problems, and a french drain has been placed in the back yard to assist with correcting the drainage problems.
5. The applicant is requesting variance for a shed. The shed is currently located on the east side of the house next to the attached garage. The shed currently extends 2.4 feet into the set back area.
6. There are windows located on all sides of the house. The current location of the shed is the only area that does not have windows. In this area the shed is free standing and next to the

parcel is denied. This denial is supported by the following findings and conclusions:

**FINDINGS**

The applicant failed to show exceptional circumstances apply to this property. The Planning Commission determined it is possible to site the subject shed in another location on the property that would meet the setback requirements. Several options were considered:


- Remove a portion of the terrace to create a location for the shed on the same level as the house; or
- Park one car outside of the two car garage to make room for materials now kept in the shed; or
- Attach the shed to the rear of the house, eliminating the need for a setback between the dwelling and accessory structure, and allowing sufficient rear yard setback.

As the Planning Commission considered there to be no exceptional circumstances, granting of this variance would be detrimental to the purpose of the Land Development Code.

Dated this 2nd day of August, 2005

  
Bruce Nishioka, Chairperson

ATTEST:

  
Dianne Snow, Senior Planner

RECEIVED

AUG 12 2005

ATTACHMENT E

BEFORE THE COMMON COUNSEL  
CITY OF BROOKINGS, COUNTY OF CURRY  
STATE OF OREGON

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

In the matter of Planning Commission File No. )	Final Order
VAR-02-05; application for a variance to a )	(Proposed)
side yard set back and set back from a dwelling; )	Findings of Facts
WILLIAM BURLETSON, Applicant )	
_____ )	

The Applicant and his wife submit the following as proposed Findings of Fact, on their appeal from the denial of an Application for Variance from the Planning Commission.

1. Williams Burlington and Jimmie Burlington, husband and wife, are the owners of residential property located at 1003 Ruth Lane, west of 4<sup>th</sup> street and approximately 150 south of it's intersection with Ransom avenue. The property is further identified as Tax Lot 3110, Curry County Tax Map #41-13-06 BA.
2. The lot is approximately 6, 844 square feet. A single story, single family residence with attached garage is located on the lot.
3. The rear yard of the lot is a terraced hill. Plants and other landscaping has been placed on the terraced hill.
4. The rear yard of the lot has severe drainage problems, and a french drain has been placed in the back yard to assist with correcting the drainage problems.
5. The applicant is requesting variance for a shed. The shed is currently located on the east side of the house next to the attached garage. The shed currently extends 2.4 feet into the set back area.
6. There are windows located on all sides of the house. The current location of the shed is the only area that does not have windows. In this area the shed is free standing and next to the



side wall of the garage. To require the applicant's to move the shed to be attached to a different location of the house would create a severe hardship. It would require the applicant to remove a window and create a wall to attach the shed to .

7. The applicants conferred with neighbors before constructing the shed and were assured that no one would be offended by the location of the shed. Currently there are no adjacent neighbors that are objecting to the request for the variance. Many of the neighbors are supporting the request for the variance.
8. The shed cannot be constructed on the terraced hill, because of it's slope, the existing landscaping and the concern that the additional construction on the terraced hill would adversely effect the drainage problem in the Applicant's rear yard.
9. The shed currently houses the Applicant's tools. The tools are used by the Applicant for hobbies and household services. The Applicant uses the tools to make household repairs and improvements, care for the yard and to service the Applicant's vehicles. As retired people, the Applicant's rely on these activities to supplement their schedule during retirement. By performing their own household services and auto servicing they can also save money.
10. A small storage shed or another type of accessory structure is an expected use in residential zone. Many other residences in the vicinity have an accessory structure. There are accessory structures in the area which apparently violate setback requirements on which the City has taken no action.
11. To suggest or require that the Applicants park one car outside of a two car garage to make room for materials not kept in a shed, would create an undo hardship on the applicants. The applicants have two cars. The house was built and designed to have a two car garage for the

use of the two cars. The suggestion requiring that one of cars be parked outside the garage, exposes the car paint and body to deterioration from sun and rain. Both cars currently have deteriorated paint, further deterioration would cause the cars to have rust on their bodies.

12. To suggest or require that the Applicants remove a portion of the terrace to create a location on the same level as the house, would create an extreme hardship for the Applicant. Due to the drainage problems in the backyard, near the terrace, excavation of the terraced hill is likely to create additional drainage problems in the backyard, and could cause flooding to the house.

**BASED ON THE FOREGOING FINDINGS OF FACT, THE COMMON COUNCIL OF THE CITY OF BROOKINGS, MAKES THE FOLLOWING CONCLUSIONS:**


1. Exceptional or extraordinary conditions apply to the subject property that do not apply generally to other properties in the same zone or vicinity over which the Applicant has not control and to which the Applicant has not contributed. While the lot is 6,844 square feet, a significant portion of the northerly portion of the lot consists of a hill that has been terraced and landscaped, construction of a shed on the hill is difficult is not impossible. Due to unknown factors, the water drainage during storms in the rear yard of the house, is extreme and causes a potential flooding problem of the house. Drains have been installed and other care has been taken to ensure that the drainage problem is controlled and that flooding does not occur to the house. These factors limit and prohibit construction of a shed on the rear portion of the lot.
2. The Variance is necessary for the preservation of the property rather the Applicant. For a property right of the Applicant substantially the same as is possessed by owners of other


properties in the same zone or vicinity.

3. The Applicants are retired as are many other residents of the community. As a retired person, the Applicants and other members of the community rely on hobbies and housework to supplement their schedule. The keeping of a supply of tools is important to the hobbies and the recreational activity of the Applicant and other members of the community.
4. There has been no showing that the granting of this variance would be material detrimental to the purpose of this code or be injurious to property in the same zone or vicinity in which the property is located or be otherwise detrimental to the objective of any City Development plan or policy.
5. The Applicant is requesting the minimum variance from the provisions, which will alleviate the hardship. The Applicant is requesting that a Variance for the setback to be reduced to 2.6 feet. The shed is existing the present location extending 2.4 feet into the setback area.

Dated this 26<sup>th</sup> day of August, 2005

Respectfully Submitted,

  
William Burletson  
Applicant

  
Jimmie Burletson  
Applicant

August 26, 2005

We are filing an appeal to the ruling that the Planning Commission made on July 12, 2005 regarding an application for a variance for a shed needed to store lawn maintenance tools and other items necessary for the normal upkeep of a house and yard. The shed was found to be in noncompliance because it was not set back five (5) feet from the property line and it was within the eight (8) foot set back from the house. (Section 136, Variances, and Section 132.020(C) accessory structures and uses of the Land Development Code.)

At the time of the hearing the planning commission decided not to allow a variance for the following reasons:

1. We could remove a portion of the terrace to create a location for the shed on the same level as the house; or
2. Park one car outside of the two car garage to make room for materials now kept in the shed; or
3. Attach a shed to the rear of the house, eliminating the need for a setback between the dwelling and accessory structure and allowing sufficient rear yard setback.

Our response to the above suggestions are as follows:

1. We are on the down hill side of Ransom and during the rainy season we have a tremendous amount of water runoff from the properties above us and the property east of us. The retaining wall that is there now has a French drain under it to catch and move water away from our house. Even with this drain we have water running under our house all during the rainy season and for several weeks after. If we removed this retaining wall and moved the shed to this area we would lose the protection for the water runoff and there would be an unacceptable amount of water under the house.
2. We purchased a home with a two-car garage so that we could store our cars in the garage when they were not in use. We have never left our cars sit outside. In the short time that they have been outside they are

showing signs of deterioration of the paint. If they are kept outside all the time they will start to rust and in a few years will look like junk heaps. We take care of our possessions and leaving a car or cars out in the weather is not an option.

3. The third suggestion is also an impossibility because as you can see from the pictures, the back of the house is all windows. We live in the back of the house, the dining area, the living area, and the master bedroom are across the back of the house as well as the patio area. To even suggest putting storage there is absolutely unacceptable. We would not want to live there under those conditions and I don't think you would either.

We realize now that we were very naïve to not question the contractor further. Had we known that we could not have some sort of storage on the property, we would not have bought there.

None of our neighbors are offended by the building. The Fire Department has stated that they can see no problem if it should be necessary to gain access to the property. No one spoke up in opposition of the shed at the public hearing.

The purpose of variances is to allow some leeway under circumstances that are neither controllable nor caused by the action of the homeowner. We feel that we are in such a situation and that we should be allowed the variance and to keep our 6x11 storage shed.

Sincerely:



William Burletson



Jimmie Burletson

TO: Mayor and City Council

FROM: Dianne Snow, Senior Planner

THROUGH: Burke Raymond, Interim City Manager

DATE: August 18, 2005



Issue: Deed for area adjacent to Taxlots 1700 & 1900; Map 41-13-05CC; area to be added to Matot St. right-of-way.

Background: The grantor is proposing to construct multi-family dwelling units on the subject property. The Land Development Code states that new development which fronts on an unimproved street must be brought up to City Standards. With this deed a 10 foot wide strip of land adjacent to Matot St. will be added to the right-of-way. The right-of-way will then be 40 feet wide. The street improvements will be required when a building permit is requested. I have attached an assessor map, plot plan, and the deed as part of this packet.

Recommendation: Acceptance of the deed for recording.

41 13 5CC  
BROOKINGS

SUBJECT  
PROPERTY

CANCELLED NO.

Revised  
4/2/2004, DBJ  
41 13 5CC  
BROOKINGS

SEE MAP 4: 13 888





After recording return to:  
Creative Investment Developers LLC  
etal  
PO Box 3000G  
Brookings, OR 97415

Until a change is requested all tax statements  
shall be sent to the following address:  
Creative Investment Developers LLC  
etal  
PO Box 3000G  
Brookings, OR 97415

File No.: ()  
Date: August 13, 2005

THIS SPACE RESERVED FOR RECORDER'S USE

### DEDICATION DEED

**Creative Investment Developers LLC as to an undivided 65% interest and Douglas Kamradt as to an undivided 35% interest as Co-Tenants, Grantor, conveys to City of Brookings, Grantee, the following described real property:**

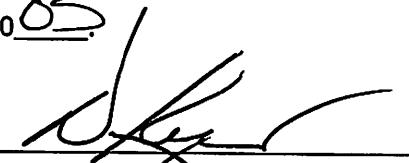
See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is **STREET DEDICATION**. (Here comply with requirements of ORS 93.030)

Dated this 15<sup>th</sup> day of August, 2005.

  
Creative Investment Developers LLC, by Larry  
Garcia, Manager

  
Douglas Kamradt

APPROVED BY AND ACCEPTED BY THE CITY OF BROOKINGS, BY: \_\_\_\_\_

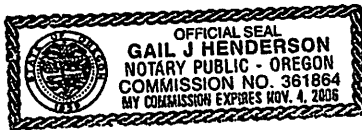
APN:

Bargain and Sale Deed  
- continued

File No.: klmccom (KEP)  
Date: 08/13/2005

STATE OF Oregon )  
 )ss.  
County of Curry )

This instrument was acknowledged before me on this 15<sup>th</sup> day of August, 2005  
by Larry Garcia as Manager of Creative Investment Developers LLC, on behalf of the limited liability  
company.



[Signature]  
Notary Public for  
My commission expires: 11-4-06

STATE OF CALIFORNIA )  
 )ss.  
County of SANTA CLARA )

This instrument was acknowledged before me on this 17<sup>th</sup> day of August, 2005  
by Douglas Kamradt



[Signature]  
Notary Public for STATE OF CALIFORNIA, COUNTY OF Santa Clara  
My Commission Expires: April 30, 2006

STATE OF OREGON, )  
 )ss.  
County of \_\_\_\_\_ )

FORM No. 21—ACKNOWLEDGMENT.  
Stevens-Ness Law Publishing Co., INC.  
Portland, OR 97204 © 1992

BE IT REMEMBERED, That on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within  
named \_\_\_\_\_

known to me to be the identical individual..... described in and who executed the within instrument and  
acknowledged to me that .....executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed  
my official seal the day and year last above written.

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires \_\_\_\_\_

*Matot Street  
Dedication*

**EXHIBIT \_\_\_\_\_**

A strip of land for public road and utility purposes lying within the Southwest Quarter of Section 5, Township 41 South, Range 13 West, Willamette Meridian, City of Brookings, Curry County, Oregon, included within the following described lines:

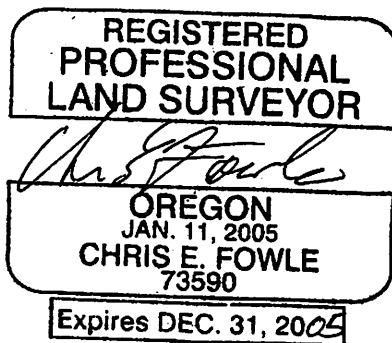
**BEGINNING** at the Southwest corner of Lot 6 of the Smith Tract as shown on the Map filed with the Curry County Surveyor as Plat No. 1951-03.

thence North 131.34 feet (record 131.84 feet) to the Southerly Right of Way of Railroad Street;

thence along said Right of Way North 68°32'27" East (record N 68°28'00" E) 10.74 feet;

thence leaving said Railroad Street Right of Way, South 135.32 feet to the South boundary of said Lot 6;

thence along said South boundary North 89°42'08" West (record West) 10.00 feet to THE POINT OF BEGINNING.



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JAN. 11, 2005  
CHRIS E. FOWLE  
73590

EXPIRES 12/31/05

# PROPOSED BUILDING LAYOUT

TOTAL PARCEL 10325.0 sq. ft.  
BUILDING "A" FIRST FLOOR TOT. 1,330 sq. ft'  
BUILDING "A" SECOND FLOOR TOT. 1,330 sq. ft'  
BUILDING "B" FIRST FLOOR TOT. 1,610 sq. ft'  
BUILDING "B" SECOND FLOOR TOT. 1,610 sq. ft'  
TOTAL LIVING AREA 5,880 sq. ft.  
LOT COVERAGE 27%=2,940 sq. ft.  
ALLOWABLE LOT COVERAGE 45%=4,871 sq. ft.

PROPOSED BUILDING HEIGHT NOT TO EXCEED 25'.

N  
W+E  
S  
SCALE 1"=20'

RAILROAD ST.

PCL 1  
6,031 sq.ft.

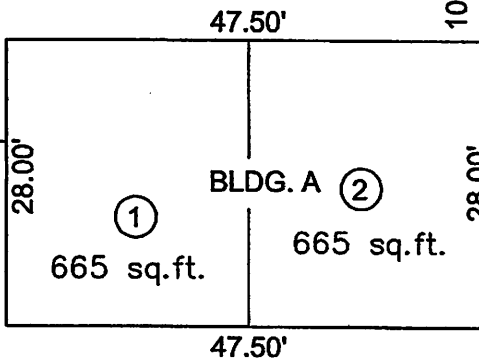
75.45'

AREA TO BE  
DEDICATED

MATOT ST.

OPEN AREA  
1,582 sq.ft.

P P P

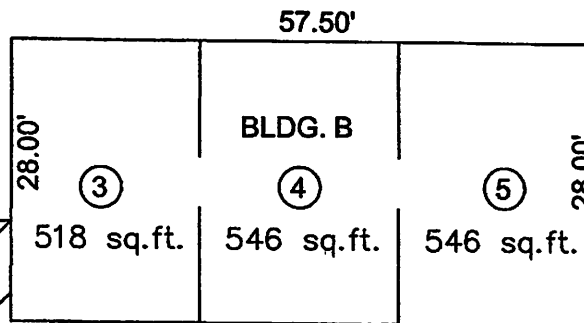


PCL 2  
10,825 sq.ft.

25.62'

102.72'

P P



P P P

OPEN AREA  
1,576 sq.ft.

TOTAL  
OPEN AREA  
3,158 sq.ft.

10.00'

112

# CITY OF BROOKINGS




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## STAFF REPORT

Date: September 7, 2005

To: Mayor Sherman and City Councilors

From: Ed Wait, Community Development Director

Through: Burke Raymond, Interim City Manager 

Subject: Water Treatment Plant and Water Intake Generator Project

## REPORT

In May 2005 the council approved the recommendation to bid the water intake and water treatment plant generator project. One bidding process was initiated in June and the results were approximately \$150,000 over the engineers estimate. Staff made modifications to the bid package and rebid the project in August 2005. This time the project was split into two components. One line item was for the water intake generator and one line item was for the water treatment plant generator. Both projects could be awarded separately dependent upon the bid results.

Two bidders participated in the process and that information is included in your packet. The City engineer reviewed the bids and has made a recommendation to **NOT** award the water intake generator at this time because it is over the engineers estimate. The engineer's second recommendation is to award the water treatment plant generator that is within the estimate for \$86,527 to Stadleman Electric. Staff is in agreement with the City engineer's recommendation.

This project is included in the City's approved budget and funding is available to complete this project.

## RECOMMENDATION

Staff recommends approval to award the water treatment plant generator project.



ARCHITECTS  
ENGINEERS  
SURVEYORS  
PLANNERS

375 PARK AVE  
COOS BAY  
OREGON  
97420

541.269.1166  
FAX 541.269.1833  
CELL 541.404.3791  
rnored@hge1.com

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

August 22, 2005

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Attn: Ed Wait  
Community Development Director

Re: Water Intake and Water Treatment Plant Generator Installations  
Projects # 04.83 and 04.14

Dear Ed:

Enclosed are bid results from bids received on August 17, 2005 for new water intake and water treatment plant generator installations. Based on the single bid received, the water intake generator and building is substantially beyond the Engineer's estimate, and we recommend that this project not be awarded.

The low bid received for the water treatment plant generator was received from Stadelman Electric of Brookings. The low bid was for an Onan generator installed at a cost of \$ 91,930. An alternate was provided to lower the bid to \$ 86,527 utilizing a Kohler generator, which was acceptable to City staff. We recommend that an award be made to Stadelman Electric for \$ 86,527, utilizing a Kohler generator.

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

Very truly yours,

**HGE INC., Architects, Engineers,  
Surveyors & Planners**

A handwritten signature in black ink, appearing to read 'Richard D. Nored', written over a horizontal line.

Richard D. Nored, P.E.  
President

**CITY OF BROOKINGS**  
**WATER INTAKE GENERATOR CONSTRUCTION**  
**and WATER TREATMENT PLANT GENERATOR CONSTRUCTION**  
 Bid Tabulation  
 August 17, 2005 - 2:00 P.M. Pacific Time

HGE, Inc.  
 375 Park Avenue  
 Coos Bay, Oregon 97420  
 Project #04.83 and 04.14

BIDDERS			Donald W. Thompson, Inc 1714 Hamilton/P.O. Box 865 North Bend, Oregon 97459	Studemman Electric, Inc. 98153 N. Bank Rd. Brookings, Oregon 97415
Description	Quantity	Unit	TOTAL	TOTAL
<b>WATER INTAKE GENERATOR CONSTRUCTION - PROJECT #04.83</b>				
<b>BASIC BID:</b> Furnish all Labor, Equipment, and Materials for the Water Intake Generator Construction to the Project Limits Indicated on Plans, Complete and Operational, in Strict Accordance with the Contract Documents and Plans, Prepared by the Firm of HGE INC., Architects, Engineers, Surveyors & Planners.				
	1	LS	\$ 240,000.00	N/A
<b>ALTERNATE EQUIPMENT BIDS:</b>				
(1) Standby Generator <i>Name of Manufacturer's Equipment:</i>		<i>Type or Model:</i>		
a.) Kohler 160 KW	150	REOZJBO	\$ 55,607.00	N/A
OR b.) Detroit Diesel	160	DDC-MTU	\$ 58,662.00	N/A
OR c.) ONAN	175	DGFB	\$ 59,572.00	N/A
<b>WATER TREATMENT PLANT GENERATOR CONSTRUCTION - PROJECT #04.14</b>				
<b>BASIC BID:</b> Furnish all Labor, Equipment, and Materials for the Water Treatment Plant Generator Construction to the Project Limits Indicated on Plans, Complete and Operational, in Strict Accordance with the Contract Documents and Plans, Prepared by the Firm of HGE INC., Architects, Engineers, Surveyors & Planners.				
	1	LS	\$ 99,500.00	\$ 91,930.00
<b>ALTERNATE EQUIPMENT BIDS:</b>				
(1) Standby Generator <i>Name of Manufacturer's Equipment:</i>		<i>Type or Model:</i>		
a.) Kohler	300	REOZVE	\$ 65,921.00	\$ 86,527.00
OR b.) Detroit Diesel	300	EDC-MTU	\$ 69,606.00	N/A
OR c.) ONAN	300	DGCB	\$ 71,791.00	N/A
OR d.) ONAN	300	DFCB	N/A	\$ 91,930.00
OR e.) Caterpillar	340	6C	N/A	\$ 102,371.00

TO: Mayor and City Council

FROM: Ed Wait, Community Development Director

THROUGH: Burke Raymond, Interim City Manager

DATE: September 8, 2005



Issue: Deed for area adjacent to West Park Court for maintenance of a road way fill slope and associated culvert.

Background: There was a previous slope easement that this deed will replace. The previous easement encompassed more area than was necessary. John Trew, City Attorney, has reviewed and approved these documents.

Recommendation: Acceptance of the deed for recording.



# **TREW, CYPHERS & MEYNINK**

JOHN B. TREW  
CAROL POLI CYPHERS  
JOHN MEYNINK

ATTORNEYS AT LAW  
222 E. 2nd Street  
P.O. Box 158  
Coquille, Oregon 97423-0158  
(541) 396-3171  
FAX (541) 398-6723  
e-mail: [johnntrew@verizon.net](mailto:johnntrew@verizon.net)

ESTABLISHED BY  
A. J. SHERWOOD  
IN 1888  
HARRY A. SLACK, SR.  
(1900-1988)  
HARRY A. SLACK, JR.  
(RETIRED 1991)

## FACSIMILE TRANSMITTAL SHEET

DATE: \* September 9, 2005

TO: \* Dianne Snow

FAX NO.: \* 541-469-3650

FROM: John Trew  
Attorney at Law

FILE NO.: \*

RE: \* Deed and Easement

PAGES SENT: \* 3 (including cover page)

COMMENTS: \* Dianne, attached is the basic form for the Quit Claim Deed from Marhar to Murray and the Grant of Easement from Murray to the City of Brookings. John B. made recommended changes following my review of both documents. The documents are not in final form, they need the correct recording language. I did not review the Exhibits. John B. is aware that once the proper recording language is added, the Quit Claim deed should be recorded first and then the Grant of Easement.

Please call if you have any questions. Thanks

- [\*] An original is being mailed.
- [\*] Facsimile transmittal only.

*The information contained in this facsimile message is attorney privileged and confidential and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above Coquille, Oregon, address via the U. S. Postal Service.*

*(If you do not receive all of the described material, please telephone immediately.)*

#####

For Operator's Use Only

Quit Claim Deed

Michael T. Marhar, Grantor, hereby relinquishes all ownership and rights to the slope easement recorded with Instrument No. 2002 6066 and described as follows:

Beginning at a point described as being North 00° 15' 00" West 134.79 feet and north 75° 55' 58" East 88.72 feet from the northwest corner of Parcel 1 of Partition Plat 1994-32, Official records of Curry County, Oregon, lying within the Northwest Quarter of the Southwest Quarter of Section 31, Township 40 South, Range 13 West, Willamette Meridian, City of Brooking, Curry County, Oregon; thence North 75°55'48" East 79.42 feet; thence South 55° 00' 00" East 121.15 feet; thence North 86° 25' 49" West 115.06 feet; thence North 55° 00' 00" West 75.00 feet to the Point of Beginning. See Exhibit A attached hereto and made a part hereof.

To property owner Benjamin C. Murray grantee.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 2005

Grantor \_\_\_\_\_

State of Oregon       )  
                                  ) SS  
County of Curry       )

This instrument was acknowledged before me on \_\_\_\_\_, 2005

By \_\_\_\_\_

Notary Public for Oregon  
My commission expires: \_\_\_\_\_

Grant of Easement

Benjamin C. Murray, Grantor, hereby grants to the City of Brookings, Grantee, a perpetual non-exclusive easement for maintenance of a road way fill slope and associated culvert described in:

Exhibits "A" and "B"

Grantee accepts the above described easement for purposes of maintenance and repair of said fill slope.

The terms of this easement are as follows:

- 1) Grantee its agents, independent contractors and invitees shall have the right of ingress and egress and use of the easement to maintain and repair said fill slope and associated culvert.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 2005

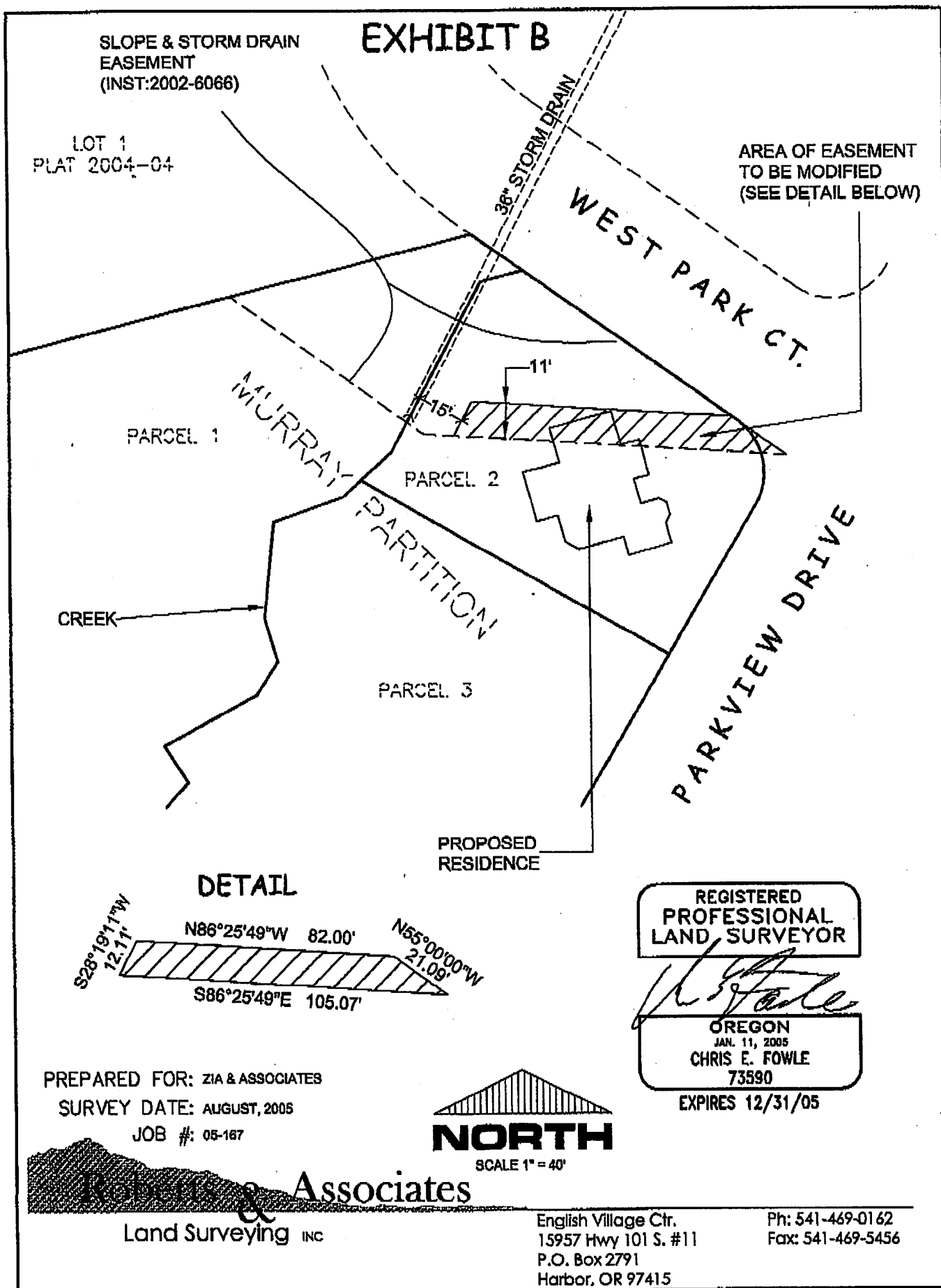
Grantor \_\_\_\_\_

State of Oregon       )  
                              ) SS  
County of Curry       )

This instrument was acknowledged before me on \_\_\_\_\_, 2005

By \_\_\_\_\_

Notary Public for Oregon  
My commission expires: \_\_\_\_\_



**TO:** Mayor and City Council  
**FROM:** Dianne Snow, Senior Planner  
**THROUGH:** Burke Raymond, Interim City Manager  
**DATE:** September 8, 2005



Issue: Grant offer from Department of Land Conservation and Development (DLCD) to help fund the Enterprise Geographic Information System (GIS).

Background: The Community Development Department has approximately \$17,000. in this year's budget to develop our GIS program. At a recent City Council meeting you approved an Intergovernmental Agreement between the City and Curry County for the purpose of coordinating efforts for a GIS program. Both the City and County applied to DLCD for grant monies to supplement our GIS program. The City has received a grant offer for \$10,000. from DLCD.

Recommendation: Approval of this grant offer. The cover sheets are attached to this memo. This in conjunction with our budgeted amount of \$17,000. will provide the City \$27,000. to apply toward our GIS efforts.



# Oregon

Theodore R. Kulongoski, Governor

## Land Conservation and Development Commission

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

Web Address: <http://www.lcd.state.or.us>



August 29, 2005

Dianne Snow  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Dear Dianne:

The Department of Land Conservation and Development (DLCD) is pleased to offer Brookings a grant for \$10,000 for an Enterprise GIS project.

The enclosed grant agreement indicates the total amount of our offer and lists the standard and special conditions the City must meet. Please note the following:

1. Before signing the grant agreement, **please read the agreement and attachments carefully** as they contain the terms and conditions upon which the grant is offered. If you have any questions, please contact your assigned DLCD grant manager.
2. **This grant offer is valid for 60 days from the date of issuance (August 29, 2005). Failure to accept this offer within this period will invalidate the offer.**
3. **Sign and return to DLCD both original agreements** to my attention at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301. Your signature declares your acceptance of all terms and conditions in the grant agreement.
4. The grant agreement is **not** in effect until the agreements are returned to the department **and** both original agreements have been signed by DLCD.
5. **A FAX will not be accepted.**

Funds will be sent to you in accordance with the payment schedule in the grant agreement. Please note that we can reimburse only eligible costs incurred after all parties have signed and before the termination date of this agreement (June 30, 2006). If you have any questions about this technical assistance grant, please contact your grant manager, Dave Perry at 541-563-2056.

Sincerely,

Diana J. Evans, Grants Coordinator  
Ocean and Coastal Management

Oregon Department of Land Conservation and Development FY05-06 Grant Agreement		Date August 29, 2005
		Type of Grant Coastal TA
Grantee Name City of Brookings		Grant No. TA-306-06-008
Street Address 898 Elk Drive Brookings, OR 97415		DLCD Share of Cost \$ 10,000
Award Period September 1, 2005 through June 30, 2006		Recipient Share of Cost (if applicable) \$ 10,000
Authority CFDA 11.419 Federal Grant No. NA05NOS4191065		Total Cost \$ 20,000
Project Title Enterprise GIS		
Grantee Representative Dianne Snow, Senior Planner 541-469-1138		DLCD Grant Manager Dave Perry 541-563-2056

This Grant, approved by the Director of Land Conservation and Development, acting on behalf of the Land Conservation and Development Commission, is issued in duplicate and constitutes an obligation of funds in return for the work described herein. By signing the two documents, the Grantee agrees to comply with the grant provisions attached. Upon acceptance by the Grantee, the two signed documents shall be returned to DLCD. The Grantee shall sign both copies of this agreement and return both signed copies to DLCD within 30 days of the date at the top of this page. If not signed and returned without modification by the Recipient within 30 days of receipt by the Grantee, the Grant Manager may unilaterally terminate this grant. Upon receipt of the signed agreement the DLCD Grant Program Manager shall sign and return one copy to the Grantee.

The effective date of this grant is the latest date on which all parties have signed this grant. Funds provided in this grant can only be used for expenditures incurred after that date and before the date specified above as the closing date. This grant may be amended according to the policies and procedures of DLCD, and with the agreement of all parties to the agreement.

For the Grantee: Typed Name and Signature of Authorized Official	Title	Date
Signature of DLCD Program Manager		Date

# CITY OF BROOKINGS

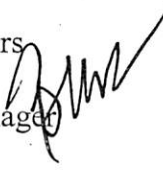


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## STAFF REPORT

Date: September 7, 2005

To: Mayor Sherman and City Councilors

From: Burke Raymond, Interim City Manager 

Subject: Public input on desired characteristics for new city manager

## REPORT

To meet the final condition of the public process in the selection of a new city manager it is necessary to allow the public to comment on the characteristics they are looking for in the new city manager. This item on the agenda fulfills the requirement. People may also submit written testimony if they wish.




# CITY OF BROOKINGS



## STAFF REPORT

Date: September 7, 2005

To: Mayor Sherman and City Councilors

From: Burke Raymond, Interim City Manager 

Subject: Ordinance No. 315 Consumption and possession of alcoholic beverages on public premises

## REPORT

Research included with this report shows several civic organizations have received permits to have functions in City Parks at which alcoholic beverages were served.

## STAFF RECOMMENDATION

Review each application on a case by case basis.

ORDINANCE NO. 79-O-315

AN ORDINANCE REGULATING THE CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES ON PUBLIC PREMISES. [Effective June 19, 1979]

Sections:

Section 1.	Alcoholic liquor prohibited on public premises.
Section 2.	Definition of alcoholic liquor.
Section 3.	Definition of public premises.
Section 4.	Temporary permits.
Section 5.	Penalties for violation.
Section 6.	Emergency clause.

The City of Brookings ordains as follows:

Section 1.                    Alcoholic liquor prohibited on public premises. It shall be unlawful for any person to drink, consume, transport, carry, or possess any alcoholic liquor, except in the original package with the seal unbroken, on any public premises, except as permitted in Section 4 of this ordinance.

Section 2.                    Definition of alcoholic liquor. The term alcoholic liquor, as used in this ordinance, shall be construed to mean and include any liquid intended for human consumption containing more than one half of one percent by volume of alcohol.

Section 3.                    Definition of public premises. For the purpose of this ordinance, public premises shall include city parks, city buildings, city parking lots, and other premises under the control of the city, but shall not include public highways.

Section 4.                    Temporary permits. Upon written application to the common council of the City of Brookings, setting forth the time, the purpose, the location, the alcoholic beverages involved, and the group or organization involved, the council may grant temporary permits permitting the possession and consumption of alcoholic beverages on public premises. Such permits shall be for a specific period of time, shall contain such conditions as the council deems appropriate and shall be non-transferable.

Section 5.                    Penalties for violation. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment not exceeding 60 days, or by both such fine and imprisonment.

Section 6.                    [Emergency clause.]

Effective June 19, 1979

## **Permits to consume alcohol**

July 25, 1998  
Norma Archibald  
Family Reunion

May 28, 1999  
Chamber for Azalea Festival

May 26, 2000  
Chamber for Azalea Festival

September 2, 2000  
Cindi Patterson  
Private Wedding

May 25, 2001  
Chamber for Azalea Festival

August 18, 2001  
Steven Pomerlean  
Private Wedding

May 24, 2002  
Chamber for Azalea Festival

June 29, 2002  
Rotary Picnic

July 12, 2003  
Rotary Picnic

May 23, 2003  
Chamber for Azalea Festival

October 3, 2004  
Elks Picnic

May 28, 2005  
Chamber for Azalea Festival

July 23, 2005  
Robinson/Cuff  
Private Wedding

**CITY OF BROOKINGS  
COMMON COUNCIL MEETING MINUTES  
City Hall Council Chambers  
898 Elk Drive, Brookings, OR 97415  
August 22, 2005 7:00 p.m.**

The Council went into 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 at 6:30 p.m. The Executive Session adjourned at 6:50 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 Yvonne Maitland.

**III. Roll Call**

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

Council Absent: none

Staff Present:

Interim City Manager Burke Raymond

City Attorney John Trew

City Planner John Bischoff

Community Development Director Ed Wait

Senior Planner Dianne Snow

Administrative Assistant Donna Colby-Hanks

Media Present: *Curry Coastal Pilot* Reporter Peter Rice

Other: approximately 40 citizens

**IV. Ceremonies/Appointments/Announcements**

**A. Announcements**

Mayor Sherman announced this was the first council meeting for Ex Officio Stadelman.

**V. Scheduled Public Appearances**

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

Jim Relaford described the history of the Slam'n Salmon Ocean Derby which was founded in the City Hall parking lot. The event has grown to the point that 700 fisherman and 5000 guests are expected to attend bringing approximately 1 million dollars into the community this year. Relaford advised 1500 dinners will be served which will require the shucking of a bin of corn. He spoke of a

challenge to the Council from the Port Commissioners to see who the best corn shuckers were. Mayor Sherman accepted the challenge on behalf of the council.

## VI. Public Hearing

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

Mayor Sherman opened the public hearing at 7:09 p.m. and stated this agenda item was 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 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. There was no ex parte contact or personal bias from the Councilors. There were no challenges from the audience. Mayor Sherman reviewed the hearing procedure.

City Planner John Bischoff reviewed the staff report and entered the exhibits into the record.

- Exhibit "A" Memo from Scott Mansur, PE, DKS associated dated July 18, 2005
- Exhibit "B" Additional findings, Ramis Crew Corrigan LLP
- Exhibit "C" Letter from Janet Morlan, Division of State Lands (DSL) dated August 16, 2005
- Exhibit "D" Letter from James Brown, Cascade Resources Advocacy Group, dated August 16, 2005
- Exhibit "E" Letter from Ann Vileisis, Kalmiopsis Audubon Society, dated August 17, 2005

Bischoff explained the narrower roads would help limit the impact of drainage into the wetlands and the western lily. Condition of approval # 28 had been revised to insure protection of the wetlands and western lily.

Tim Ramis, Ramis Crew Corrigan LLP, 1727 NW Hoyt, Portland, OR representing the applicant, stated the staff report was a good representation of their application. Ramis suggested using the language from Exhibit "D" bottom of page 3 for condition #28. He stated they were not endorsing or agreeing with the remainder of the letter. Mayor Sherman asked if this condition #28 would satisfy the concerns raised in Kalmiopsis Audubon Society and DSL letters. Ramis felt this condition addressed the concerns raised.

Chris Wright, Raedeke Associates, 5711 NE 63<sup>rd</sup> Street, Seattle, WA, stated wetlands on the subject property were delineated in 2003. The report was then submitted to the Salem office of DSL and the Eugene office of Army Corp of Engineers. The response received indicated no site visit would be conducted prior to the receipt of a specific proposal. Wright advised a joint permit application would need to be submitted to the Army Corp of Engineers under the Clean Water Act and DSL under their fill and removal requirements. This application would be

submitted after approval from the Council was obtained. The Army Corp of Engineers would consult with United States Fish and Wildlife Service regarding the protection of the western lily.

### **Testimony in Support**

John Butter, 17744 Highway 101, C-206, Brookings, lives in Rainbow Rock Condominium and was in favor of the project.

Mike Gaudette, 1988 Newmark, Coos Bay, OR , Southwestern Oregon Community College (SOCC), stated the college continues to support the project and plans to construct a new campus on the site.

Peggy Goergen, 1227 Collis, Brookings, SOCC had no comment.

Don Mitchell, 423 Buena Vista Loop, Brookings, had no comment.

### **Opposition**

James Brown, 917 SW Oak Street, Suite 417, Portland, OR, Cascade Resources Advocacy Group, stated many of his concerns had been addressed with the revision of condition # 28. He suggested the permits from DSL and the Army Corp of Engineers be added as a condition of approval. It was his understanding the standards from the Masterplan and the standards from the Detailed Development Plan (DDP) would need to be met at DDP approval. He requested the bio swales be a mandatory requirement.

Ann Vileisis, P.O. Box 1265, Port Orford, OR, Kalmiopsis Audubon Society, felt the wetland delineation needed to be confirmed by DSL ahead of time to make the proposal the best it could be.

Yvonne Maitland, 15676 Oceanview Drive, Brookings, was interested in the name of the contact the applicant had been speaking with at DSL.

Pete Chasar, 935 Marina Heights, Brookings, reviewed and submitted Exhibit "F", a letter dated August 22, 2005. He requested the council deny the proposed street standards as the applicants' findings didn't meet the criteria. He felt there were better ways to address environmental concerns than narrower streets.

### **Interested Parties and Agencies**

Craig Tuss, 2900 NW Stewart Parkway, Roseburg, OR, United States Fish and Wildlife Service (USFWS), supported plans to add wetland buffers to the project. He explained 100' to 200' buffers would be needed for highly sensitive wetlands and anything less than 50' was ineffective. Tuss supported the flexible street widths and felt the proposal with the bio swales would help filter run-off and protect wetlands. He advised his organization would have an opportunity to

provide comments during the Army Corp of Engineers wetland permit process. Tuss stated they are currently working with the applicants to develop a buffer strip agreement for the western lily.

### **Rebuttal**

Tim Ramis reiterated the process for the wetlands permits from the State and Federal agencies. Ramis discussed bio swales often being a good solution; however, that would be an engineering decision to be made further along in the process. He explained the advantages of being able to have the application for the wetland permits and the DDP run concurrently with the decision from Council to be made after receiving the wetlands reports.

John Bischoff stated the city would have a period of time to review the wetland reports. He advised a small change to condition # 28 as the city staff doesn't have the expertise to review the hydrologic study.

The public hearing was closed at 8:19 p.m.

The Council deliberated on the remand issues and the testimony presented.

**Councilor Mickelson moved, a second followed, and the Council voted unanimously to approve Case File No. MPD-01-04/Remand with the original conditions of approval with the exception of # 28. Condition # 28 will be the suggestion from Exhibit "D" with the third sentence revised to read " The City will review the agencies comments on the hydrologic study to determine compliance with applicable standards relating to storm drainage and to determine compliance with standards relating to the protection of wetlands and western lilies."**

**Councilor Anderson moved, a second followed, and the Council voted unanimously to adopt the final order for MPD-01-04 with the revision to 2 b. to reflect the change in condition # 28 to be from Exhibit "D" with the revision that staff will review the comments made by the agencies on the hydrologic study.**

The meeting recessed at 8:34 and reconvened at 8:40 p.m.

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

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

#### **1. Council Liaisons**

Councilor Gordon attended a planning and a monthly meeting for Curry County Commission for Children and Families, Senator Wyden's Open House, Council Annexation Workshop, Airport Advisory Committee meeting, Port Commission meeting and a Port Fisheries meeting.

Councilor Mickelson attended a regional meeting for Coos Curry Douglas, a finance committee meeting for Coos Curry Douglas, Council Annexation Workshop, Planning Commission meeting, and Senator Wyden's Town Hall meeting.

Councilor Anderson attended a Harbor Sanitary meeting, Council Annexation Workshop, a school board meeting, and Senator Wyden's Town Hall meeting.

Councilor Willms organizations held no meetings.

Mayor Sherman attended a Lions Club meeting, Senator Wyden's Town hall meeting, Brookings Harbor Educational Foundation meeting, Mayors Walk, Council Annexation Workshop, and Mayors Conference in Jacksonville.

*B: Unscheduled*

Rex Atwell, 17169 Parkview, Brookings, stated his concerns with the safety of the children and the current speed limit on Parkview. He requested any assistance the Council could provide to have the speed limit reduced. The Council discussed speed zones being under the jurisdiction of ODOT. Community Development Director Wait advised ODOT had begun a speed zone investigation of Parkview. The Council agreed to submit letters in support of a speed reduction to ODOT.

## **VIII. Staff Reports**

*A. Community Development Department*

*1. Public Works Excavator*

Community Development Director Ed Wait reviewed the staff report. Councilor Anderson recalled this being an item in the current budget.

**Councilor Anderson moved, a second followed, and the Council voted unanimously to approve the purchase of a compact excavator, trailer, flail and attachments.**

*2. Dewatering Consultant*

Community Development Director Ed Wait reviewed the staff report and introduced Steve Wilson, consultant for Brown and Caldwell. Wilson explained the hauling of bio solids to Grants Pass was a short term solution. The report generated from this proposal would address dewatering and possible class "A" processing as long term solutions. A preliminary design of the dewatering equipment would be provided with a test pilot project to take place next month. A more detailed cost evaluation would also be presented to the Council. Councilor Anderson stated the city had received a preliminary cost report indicating composting would be cost prohibitive. Wilson advised the proposed report would focus on dewatering. Wait stated a more long term solution needed to be found to allow the city more control. Wilson clarified the study would not cover composting. It would cover different dewatering processes. It would also cover thermal drying and lime pasteurization; two processes to convert a Class "B" product to a Class "A" product. Wilson explained a Class "A" product can be



applied anywhere, landscapes and parks. Dewatering would decrease the cost to haul the bio solids to Grants Pass and the study should be completed in 90 days.

Interim City Manager Burke Raymond stated it was not legal to put Class "B" products in landfills and it would be possible to issue a bond to finance the final solution.

The Council discussed a grant Curry County has received for a composting feasibility study. Wait advised Brown and Caldwell would come back to the Council to present dewatering data during the study. The final report would contain data to take the product to Class "A". Raymond discussed the process to finance the project.

Walt Dyer, P.O. Box 981, Brookings asked about the life expectancy of the dewatering equipment and its ability to handle growth and to be upgraded. Wilson explained the equipment would be designed for the capacity of the water treatment plant and would have a life expectancy of 20 years.

**Councilor Anderson moved, a second followed, and the Council voted unanimously to approve the agreement with Brown and Caldwell for wastewater system engineering.**

**B. Police Department**

*1. Traffic Safety Committee Recommendations*

Interim City Manager Burke Raymond reviewed the recommendations of the Traffic Safety Committee from their July 12, 2005 meeting. Raymond stated Coos Curry Electric would hang the light at Julie Drive and Ransom Ave. and the City would pay the energy cost. Councilor Anderson was concerned with the cost and explained the light was originally to be installed by the developer. However, the project was never completed.

**Councilor Anderson moved, a second followed, and the Council voted unanimously to have the curb on the west side of Ransom Ave. from Kevin Place to Fawn Drive 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.**

**C. City Manager**

*1. Urban Renewal Advisory Committee*

Interim City Manager Burke Raymond reviewed the staff report for the Urban Renewal Advisory Committee and stated this was a draft proposal. He explained he had looked at a couple committees of other cities to develop this plan. The Council discussed the composition of the committee and the use of completed studies as resources.

Councilor Mickelson moved, a second followed, and the Council voted unanimously to establish the Urban Renewal Advisory Committee as outlined in the staff report with the addition of property owners also having preference in appointment.

## **IX. Consent Calendar**

- A. *Approval of Council Meeting Minutes*
  - 1. *Meeting of August 8, 2005*
- B. *Acceptance of Planning Commission Minutes*
  - 1. *Meeting of July 12, 2005*
  - 2. *Meeting of August 2, 2005*

### **End Consent Calendar**

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

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

### **A. Council**

Councilor Gordon stated he felt there was some confusion on the alternatives for the Highway 101 project. A ballot "no" vote will result in the Council recommending Alternative 5. There is no option for a "no build". Gordon briefed the Council on a program named the Bruins Café. Once a month teachers recommend students who have excelled. Councilor Gordon requested the Council consider sponsoring a month which would require \$150 to purchase the pizza. Councilor Anderson clarified any type of progress, academic or citizenship, could qualify a student to be chosen. Ex Officio Stadelman had been recommended three times.

### **B. Mayor**

Mayor Sherman encouraged everyone to pick up any litter to keep the City of Brookings a better place to live.

## **XI. Adjournment**

Councilor Willms moved, a second followed, and the Council voted unanimously by voice vote to adjourn the meeting at 9:35 p.m.

Pat Sherman  
Mayor

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

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

**MINUTES**  
**BROOKINGS PLANNING COMMISSION**  
**Special Meeting**  
**August 16, 2005**

Chair Nishioka called the meeting of the Brookings Planning Commission to order at 7:05 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 35 citizens in the audience.

**CHAIRPERSON ANNOUNCEMENTS**

None.

**MINUTES**

1. By a 7-0 vote (motion: Commissioner Collis) the Commission approved the minutes of July 12, 2005, as amended.
2. By a 7-0 vote (motion: Gorman) the Commission approved the minutes of August 2, 2005, as written.

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

1. By a 6-1 vote (motion: Commissioner Smith; Commissioner Collis, Dundom, Gorman, Hedenskog, Gorman, and Smith voted in the affirmative of the motion; Commissioner Dentino against the motion) the Planning Commission voted to deny the request for a 2-foot side yard setback variance for a garage; located at Byrtus Place; Assessor's Map 41-13-06CD, Tax Lot 102; Kenneth Byrtus, applicant, File No. **VAR-3-05**.

Commissioners Collis, Dundom, 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:

Kenneth Brytus, applicant	P. O. Box 4880	Brookings, OR
Virginia Brytus, property owner	same	
John Babin, attorney for applicant	P.O. Box 1600	Brookings, OR
Tom Muser, Stuntzner Engineering	P. O. Box 2748	Brookings, OR
Jack Byland	201 Allen Lane	Brookings, OR

Chair Nishioka read three letters into the record:

Randall and Lynne Sorbel	1101 Byrtus Place	Brookings, OR
Richard & Carolyn Lamb	290 Allen Lane	Brookings, OR
Linda Bottoms	1101 Byrtus Place	Brookings, OR

Exhibits A through T were entered into the record by the applicant:

A	4 page Final Order from 2002
B, C, D	Sorbel, Lamb and Bottoms letters
E	Survey from 1970-Cunningham
F	Surveyor's Certificate – Allen Subdivision
G	Survey by Charlie Smith – Gulbrandsen Partition Plat No. 2000-07
H	Survey by Reily Smith – Brytus Partition Plat No. 2002-07
I	Copy of Building Inspections by LL Gray
J,K	2 photos of wall and garage on property
L thru S	Photos of subject property
T	Survey by Mike Shively – Stuntzner Engineering-12-14-2004.

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

2. The Commission denied the request and directed staff to have the Final Order ready for the next meeting (September 6, 2005).

Chair Nishioka called for a recess at 9:40 p.m. The meeting reconvened at 9:50 with the same seven commissioners present.

Chair Nishioka announced with the time approaching 10 o'clock, and one case heard with four left to hear, if consideration should be entertained to postpone some of them. He polled the audience asking for a show of hands of those present for the next case, File No. **M3-5-05**. Approximately 10 people responded. The Chair asked the representatives for the next 3 cases, if they would consider postponing: Files **M3-3-05**- Ron Gable; **CUP-3-05**-Larry Anderson, and **M3-4-05**-Larry Garcia. The representative for Mr. Anderson, and Mr. Garcia both agreed to postpone hearing their requests until the next meeting, September 6, 2005.

3. By a 7-0 vote (motion: Commissioner Collis) the Planning Commission approved File No. **M3-5-05**, a request for a minor partition to create three residential building sites by combining two tax lots; located at 1241 Collis Lane; Assessor's Map 41-13-6CB, Tax Lots 5002 and 5005; R-1-6, (6,000 square foot minimum lot size) zone; Gerald Hughes, applicant.

All Commissioners declared ex parte due to a site visit and familiarity to the subject property. There was no challenge from the audience as to the jurisdiction of the Commission to hear the request.

The motion was amended to include the following conditions:

*Collis Lane will be improved as follows:*

- *a. The applicant will dedicate a 5 foot wide strip of land adjacent to the right-of-way along his frontage and will construct curb, gutter, and sidewalk in this area.*
- *b. The applicant will pave an 18 foot road surface from the easterly boundary of the subject property to the intersection with Rowland Lane. A curb and gutter will also be constructed by the applicant adjacent to Tax Lot 5004 to direct storm water run-off to the proposed drainage located in the right-of-way.*

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

Gerald Hughes, applicant	P. O. Box 97	Brookings, OR
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The following participated at the hearing in opposition to the request:

Phillip Roberts	1253 Rowland Lane	Brookings, OR
Roy Clark	1257 Rowland Lane	Brookings, OR
Russell Humbert	1229 Rowland Lane	Brookings, OR
Eldon Gossett	1012 Easy Street	Brookings, OR

Entered into the record was a petition submitted by Mr. Roberts with 17 signatures from 9 residences on Rowland Lane and Truman Lane.

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

4. By a 7-0 vote (motion: Commissioner Collis) the Planning Commission approved the amended Final ORDER and Findings of Fact for File No. **M3-5-05**.
5. By a 7-0 vote (motion: Commissioner Smith) the Planning Commission approved File No. **M3-03-05**, a request for a minor partition, to divide a 2.16 acre parcel into two parcels; located at 620 Fern Avenue; Assessor's Map 41-13-06AD, Tax Lot 2000; R-3 (Multi-family) zone; Ron Gable, applicant.

All Commissioners with the exception of Chair Nishioka 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.

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

Ron Gable, applicant	P. O. Box 908	Brookings, OR
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The applicant waived their right to seven (7) additional days in which to submit written argument.

6. By a 7-0 vote (motion: Commissioner Gorman) the Planning Commission approved Final ORDER and Findings of Fact for File No. **M3-3-05**.

#### **UNSCHEDULED PUBLIC APPEARANCES**

None.

#### **PLANNING STAFF COMMENTS**

City Planner Bischoff updated the commissioners:

- August 17, 2005 is the Council Workshop to discuss the state and local laws of annexations.
- Monday, August 22, 2005, the Council will hear File No. **MPD-1-04 Remand**, which is Borax's response to the LUBA (Oregon Land Use Board of Appeals) decision.
- A joint meeting with Council and the Commission has been scheduled for August 31, 2005.
- Reminded Commission about the City Picnic August 27, 2005.

Senior Snow updated the commission:

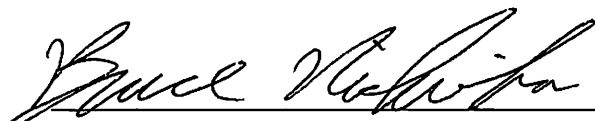
- On the City Council agenda, September 12, 2005, will be two annexations to be considered for approval; **ANX-1-05**, Bruce Brothers; and **ANX-2-05**, Parkview.
- The County approved, with the Commission's recommendations, County Referral No. **CR-AD-0523**, U.S. Cellular.
- Several road concerns previously mentioned by some commissioners were reviewed by the Traffic Safety Committee: parking limitation on Ransom and Kevin has been addressed by painting the curb red (no parking at any time) and signage: no parking from 8 a.m. to 5:00 p.m. Monday through Friday. Public Works Supervisor Cowan said the signs have been ordered and will be placed as soon as they are delivered.

#### **ADJOURNMENT:**

With no further business before the Planning Commission, the meeting was adjourned at 11:43 p.m.

Respectfully submitted,

**BROOKINGS PLANNING COMMISSION**



Bruce Nishioka, Chairperson

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
08/05	08/04/2005	52308	370	VOID - CCIS	10-00-2005	120.00 -M
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08/05	08/04/2005	52339	138	Becco, Inc	10-00-2005	57.90
08/05	08/04/2005	52340	3252	Best Western Mill Creek Inn	10-00-2005	72.99
08/05	08/04/2005	52341	148	B-H Chamber of Commerce	10-00-2005	4,301.46
08/05	08/04/2005	52342	1522	Blumenthal Uniforms	10-00-2005	237.40
08/05	08/04/2005	52343	3250	BNT Promotional Products	10-00-2005	417.40
08/05	08/04/2005	52344	313	Brookings Vol Firefighters	10-00-2005	2,083.33
08/05	08/04/2005	52345	3230	Bruce Bacci	10-00-2005	22.74
08/05	08/04/2005	52346	3205	Burke Raymond	10-00-2005	404.86
08/05	08/04/2005	52347	3244	C E Moore	10-00-2005	33.41
08/05	08/04/2005	52348	3227	Carina Reeves	10-00-2005	3.82
08/05	08/04/2005	52349	1840	Chetco Federal Credit Union	10-00-2005	3,330.00
08/05	08/04/2005	52350	2468	Cliff Weeks	10-00-2005	6.95
08/05	08/04/2005	52351	1674	Correct Equipment Inc	10-00-2005	9,984.18
08/05	08/04/2005	52352	2542	Crystal Fresh Bottled Water	10-00-2005	260.00
08/05	08/04/2005	52353	3251	David Lentz	10-00-2005	60.00
08/05	08/04/2005	52354	284	Day-Wireless Systems	10-00-2005	886.50
08/05	08/04/2005	52355	185	Del Cur Supply	10-00-2005	147.50
08/05	08/04/2005	52356	484	DMV	10-00-2005	7.00
08/05	08/04/2005	52357	316	Donald & Roberta Chandler	10-00-2005	548.00
08/05	08/04/2005	52358	261	Engineered Control Products	10-00-2005	41.84
08/05	08/04/2005	52359	153	Ferrellgas	10-00-2005	206.04
08/05	08/04/2005	52360	119	Gall's Inc	10-00-2005	79.88
08/05	08/04/2005	52361	2954	Gardner Denver	10-00-2005	1,200.00
08/05	08/04/2005	52362	2882	Globalstar USA	10-00-2005	78.33
08/05	08/04/2005	52363	3079	Grant E Smith	10-00-2005	6.95
08/05	08/04/2005	52364	154	Hagen's Dry Cleaners	10-00-2005	43.15
08/05	08/04/2005	52365	139	Harbor Logging Supply	10-00-2005	60.83
08/05	08/04/2005	52366	1082	Hilary Thompson	10-00-2005	30.46
08/05	08/04/2005	52367	3233	Hines Products	10-00-2005	935.00
08/05	08/04/2005	52368	307	Industrial Steel & Supply Inc	10-00-2005	283.50
08/05	08/04/2005	52369	1088	Jobs Available Inc	10-00-2005	275.40
08/05	08/04/2005	52370	3247	Katherine Blaispell	10-00-2005	38.38
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08/05	08/04/2005	52372		Information Only Check	10-00-2005	.00 V
08/05	08/04/2005	52373		Information Only Check	10-00-2005	.00 V
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08/05	08/04/2005	52377	386	Lab Safety Supply Inc	10-00-2005	62.15
08/05	08/04/2005	52378	202	League of Oregon Cities	10-00-2005	50.00
08/05	08/04/2005	52379	2052	Les Brown Towing	10-00-2005	65.00
08/05	08/04/2005	52380	3239	Mahar/Kessler Properties LLC	10-00-2005	15,871.99
08/05	08/04/2005	52381	3245	Mark Yax	10-00-2005	9.38
08/05	08/04/2005	52382	3242	Michelle D Edwards	10-00-2005	10.88
08/05	08/04/2005	52383	283	Mufflers & More	10-00-2005	681.00
08/05	08/04/2005	52384	334	North Coast Electric	10-00-2005	215.87
08/05	08/04/2005	52385	322	Postmaster	10-00-2005	600.00
08/05	08/04/2005	52386	1193	PRN Data Services, Inc	10-00-2005	3,500.00
08/05	08/04/2005	52387	187	Quality Fast Lube & Oil	10-00-2005	99.00
08/05	08/04/2005	52388	207	Quill Corporation	10-00-2005	963.52
08/05	08/04/2005	52389	3248	R O Aeschliman	10-00-2005	55.26
08/05	08/04/2005	52390	180	Ray's Food Place	10-00-2005	99.48
08/05	08/04/2005	52391	199	Richard Harper	10-00-2005	300.00
08/05	08/04/2005	52392	3200	Richard Wilson	10-00-2005	900.00
08/05	08/04/2005	52393	879	Rotary International	10-00-2005	360.00

M = Manual Check, V = Void Check

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
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08/05	08/04/2005	52395	3240	Sam Appleton	10-00-2005	13.01
08/05	08/04/2005	52396	380	Stadelman Electric	10-00-2005	71.00
08/05	08/04/2005	52397	2125	State of OR Water Resource Dp	10-00-2005	5,000.00
08/05	08/04/2005	52398	2254	Sunny Wheatley	10-00-2005	164.00
08/05	08/04/2005	52399		Void Check	10-00-2005	.00 V
08/05	08/04/2005	52400		Void Check	10-00-2005	.00 V
08/05	08/04/2005	52401		Void Check	10-00-2005	.00 V
08/05	08/04/2005	52402		Void Check	10-00-2005	.00 V
08/05	08/04/2005	52403		Void Check	10-00-2005	.00 V
08/05	08/04/2005	52404		Void Check	10-00-2005	.00 V
08/05	08/04/2005	52405		Void Check	10-00-2005	.00 V
08/05	08/04/2005	52406		Void Check	10-00-2005	.00 V
08/05	08/04/2005	52407		Void Check	10-00-2005	.00 V
08/05	08/04/2005	52408		Void Check	10-00-2005	.00 V
08/05	08/04/2005	52409	3246	Terry K Marler	10-00-2005	25.40
08/05	08/04/2005	52410	179	Trew, Cyphers & Meynink	10-00-2005	5,233.50
08/05	08/04/2005	52411	3241	Troy Hill	10-00-2005	24.89
08/05	08/04/2005	52412	2541	U.S. Bank	10-00-2005	425.00
08/05	08/04/2005	52413	136	United Pipe & Supply Co Inc	10-00-2005	402.60
08/05	08/04/2005	52414	3249	Valerie Havice	10-00-2005	43.34
08/05	08/04/2005	52415	3228	Vernon Pitta	10-00-2005	62.45
08/05	08/04/2005	52416	2122	VISA	10-00-2005	1,231.85
08/05	08/04/2005	52417	253	Xerox Corporation	10-00-2005	70.73
08/05	08/04/2005	52418	3243	Yolanda Gonzalez De Uribe	10-00-2005	24.38
08/05	08/09/2005	52419	910	OR Department of Justice	10-00-2005	115.38
08/05	08/09/2005	52420	1132	OR Department of Justice	10-00-2005	322.15
08/05	08/09/2005	52421	1742	OR Department of Justice	10-00-2005	307.93
08/05	08/09/2005	52422	2366	OR Department of Justice	10-00-2005	203.08
08/05	08/09/2005	52423	205	PERS Retirement	10-00-2005	15,155.42
08/05	08/15/2005	52424	724	Advanced Graphix Inc	10-00-2005	22.00
08/05	08/15/2005	52425	3232	American Lifeguard Products	10-00-2005	80.25
08/05	08/15/2005	52426	988	Brookings Harbor Ford	10-00-2005	174.85
08/05	08/15/2005	52427	3257	Brookings Hearth & Home	10-00-2005	24.04
08/05	08/15/2005	52428	1373	Cascade Fire Equipment	10-00-2005	240.13
08/05	08/15/2005	52429	2733	Cathy Hafterson	10-00-2005	64.95
08/05	08/15/2005	52430	1745	Coastal Paper & Supply, Inc	10-00-2005	149.20
08/05	08/15/2005	52431	183	Colvin Oil Company	10-00-2005	2,512.92
08/05	08/15/2005	52432	182	Coos-Curry Electric	10-00-2005	3,052.40
08/05	08/15/2005	52433	151	Curry Coastal Pilot	10-00-2005	1,096.96
08/05	08/15/2005	52434	173	Curry Equipment Company	10-00-2005	110.41
08/05	08/15/2005	52435	195	Curry Transfer & Recycling	10-00-2005	560.84
08/05	08/15/2005	52436		Information Only Check	10-00-2005	.00 V
08/05	08/15/2005	52437		Information Only Check	10-00-2005	.00 V
08/05	08/15/2005	52438	166	Dan's Auto & Marine Electric	10-00-2005	248.28
08/05	08/15/2005	52439	3258	Delores Baker	10-00-2005	32.04
08/05	08/15/2005	52440	198	Grants Pass Water Lab	10-00-2005	140.00
08/05	08/15/2005	52441	3234	Jason Housden	10-00-2005	360.00
08/05	08/15/2005	52442	3221	Jennifer McKeivitt	10-00-2005	264.00
08/05	08/15/2005	52443	440	Jess Oliver	10-00-2005	44.00
08/05	08/15/2005	52444	3253	Joseph Hougnon	10-00-2005	1.18
08/05	08/15/2005	52445	262	Kim Hunnicutt Court Reporting	10-00-2005	14.00
08/05	08/15/2005	52446	2791	Michelle Short	10-00-2005	800.00
08/05	08/15/2005	52447	424	Munnell & Sherrill	10-00-2005	51.01
08/05	08/15/2005	52448	2051	National Waterworks, Inc	10-00-2005	269.28
08/05	08/15/2005	52449	3159	Northcoast Health Screening	10-00-2005	90.00
08/05	08/15/2005	52450	2025	Numberg Scientific	10-00-2005	72.55

M = Manual Check, V = Void Check



Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
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08/05	08/15/2005	52453	252	Paramount Pest Control	10-00-2005	38.00
08/05	08/15/2005	52454	3237	Portland Freightliner Inc	10-00-2005	71.01
08/05	08/15/2005	52455	1193	PRN Data Services, Inc	10-00-2005	6,563.00
08/05	08/15/2005	52456	187	Quality Fast Lube & Oil	10-00-2005	29.00
08/05	08/15/2005	52457	169	Roto Rooter	10-00-2005	134.11
08/05	08/15/2005	52458	2810	Shellie Hafterson	10-00-2005	300.00
08/05	08/15/2005	52459	2443	Sirennet.Com	10-00-2005	57.10
08/05	08/15/2005	52460	2895	Susan Kaylan	10-00-2005	5.42
08/05	08/15/2005	52461	161	United Communications Inc	10-00-2005	1,460.54
08/05	08/15/2005	52462	136	United Pipe & Supply Co Inc	10-00-2005	335.91
08/05	08/15/2005	52463	991	Verizon Northwest	10-00-2005	518.24
08/05	08/15/2005	52464	861	Village Express Mail Center	10-00-2005	10.30
08/05	08/15/2005	52465	269	WW Grainger	10-00-2005	107.73
08/05	08/15/2005	52466	3256	Zia & Associates	10-00-2005	325.00
08/05	08/15/2005	52468	169	Roto Rooter	10-00-2005	6,511.54
08/05	08/17/2005	52469	682	Al's Radio Shack	10-00-2005	17.99
08/05	08/17/2005	52470	150	Any Time Coffee Service	10-00-2005	72.75
08/05	08/17/2005	52471	138	Becco, Inc	10-00-2005	510.00
08/05	08/17/2005	52472	3281	Carissa Walter	10-00-2005	36.01
08/05	08/17/2005	52473		Information Only Check	10-00-2005	.00 V
08/05	08/17/2005	52474	370	CCIS	10-00-2005	118,273.05
08/05	08/17/2005	52475	193	Central Equipment Co, Inc	10-00-2005	1,373.29
08/05	08/17/2005	52476	3015	Charter Communications	10-00-2005	990.00
08/05	08/17/2005	52477	3268	Chris Weichers	10-00-2005	29.54
08/05	08/17/2005	52478	1745	Coastal Paper & Supply, Inc	10-00-2005	287.22
08/05	08/17/2005	52479	182	Coos-Curry Electric	10-00-2005	3,245.31
08/05	08/17/2005	52480	2714	Creative Color Painting	10-00-2005	10.00
08/05	08/17/2005	52481	195	Curry Transfer & Recycling	10-00-2005	66.30
08/05	08/17/2005	52482	2972	Eugene Wellenbrock	10-00-2005	125.00
08/05	08/17/2005	52483	2109	Granite Construction Co.	10-00-2005	397.33
08/05	08/17/2005	52484	139	Harbor Logging Supply	10-00-2005	1,022.69
08/05	08/17/2005	52485		Information Only Check	10-00-2005	.00 V
08/05	08/17/2005	52486	131	HGE, Inc	10-00-2005	34,558.35
08/05	08/17/2005	52487	1699	Imagistics	10-00-2005	342.47
08/05	08/17/2005	52488	168	J.L. Darling Corporation	10-00-2005	312.35
08/05	08/17/2005	52489	3262	Kristi Elsemore	10-00-2005	19.92
08/05	08/17/2005	52490	328	Les Schwab Tire Company	10-00-2005	462.03
08/05	08/17/2005	52491	3263	Lori & Rick Tallman	10-00-2005	19.60
08/05	08/17/2005	52492	3267	Michael Ernest	10-00-2005	12.43
08/05	08/17/2005	52493	155	Mory's	10-00-2005	18.56
08/05	08/17/2005	52494	573	OBOA	10-00-2005	179.85
08/05	08/17/2005	52495	2699	Public Works Supply	10-00-2005	522.00
08/05	08/17/2005	52496	187	Quality Fast Lube & Oil	10-00-2005	31.00
08/05	08/17/2005	52497	207	Quill Corporation	10-00-2005	484.96
08/05	08/17/2005	52498	3151	Teletron Communications	10-00-2005	45.00
08/05	08/17/2005	52499	156	That Special Touch Florist	10-00-2005	1.25
08/05	08/17/2005	52500	3260	Tim Patterson	10-00-2005	1,665.60
08/05	08/17/2005	52501	3255	Turner Road Trailer Sales	10-00-2005	4,985.00
08/05	08/17/2005	52502	3266	Umpqua Bank	10-00-2005	3,450.00
08/05	08/17/2005	52503	991	Verizon Northwest	10-00-2005	19.08
08/05	08/17/2005	52504	157	Viking Office Products	10-00-2005	207.65
08/05	08/17/2005	52505	3104	West Coast Lines & Graphics	10-00-2005	73.00
08/05	08/17/2005	52506	269	WW Grainger	10-00-2005	24.30
08/05	08/23/2005	52507	910	OR Department of Justice	10-00-2005	115.38
08/05	08/23/2005	52508	1132	OR Department of Justice	10-00-2005	322.15

M = Manual Check, V = Void Check

Check Register - Summary Report  
 GL Posting Period(s): 08/05 - 08/05  
 Check Issue Date(s): 08/01/2005 - 08/31/2005

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
08/05	08/23/2005	52509	1742	OR Department of Justice	10-00-2005	307.93
08/05	08/23/2005	52510	2366	OR Department of Justice	10-00-2005	203.08
08/05	08/23/2005	52511	205	PERS Retirement	10-00-2005	15,463.19
08/05	08/25/2005	52512	3274	2005 LEDS Workshop	10-00-2005	170.00
08/05	08/25/2005	52513	167	American Sigma	10-00-2005	112.90
08/05	08/25/2005	52514	100	Anchor Lock & Key	10-00-2005	84.00
08/05	08/25/2005	52515	3276	VOID - Best Western Landmark Inn	10-00-2005	.00 M
08/05	08/25/2005	52516	2407	Blue Star Gas	10-00-2005	1,818.13
08/05	08/25/2005	52517	1480	Bruce Brothers	10-00-2005	775.00
08/05	08/25/2005	52518	3205	Burke Raymond	10-00-2005	25.95
08/05	08/25/2005	52519	1745	Coastal Paper & Supply, Inc	10-00-2005	42.50
08/05	08/25/2005	52520	183	Colvin Oil Company	10-00-2005	2,863.33
08/05	08/25/2005	52521	182	Coos-Curry Electric	10-00-2005	16,234.30
08/05	08/25/2005	52522	888	CRS	10-00-2005	925.00
08/05	08/25/2005	52523	195	Curry Transfer & Recycling	10-00-2005	22.10
08/05	08/25/2005	52524	3135	David Gordon	10-00-2005	16.00
08/05	08/25/2005	52525	284	Day-Wireless Systems	10-00-2005	79.42
08/05	08/25/2005	52526	2729	DJC	10-00-2005	702.00
08/05	08/25/2005	52527	2117	Edge Wireless	10-00-2005	168.06
08/05	08/25/2005	52528	153	Ferrellgas	10-00-2005	185.81
08/05	08/25/2005	52529	3278	George Riddle	10-00-2005	6.87
08/05	08/25/2005	52530	3271	Hollywood Dreams - Mary Giles	10-00-2005	50.00
08/05	08/25/2005	52531	2397	International Code Council	10-00-2005	100.00
08/05	08/25/2005	52532	2416	ITT Flygt Corp	10-00-2005	7,384.41
08/05	08/25/2005	52533	3281	James D Moore	10-00-2005	11.49
08/05	08/25/2005	52534	3279	James M Rogers	10-00-2005	9.09
08/05	08/25/2005	52535	3277	Leroy or Christine White	10-00-2005	3.04
08/05	08/25/2005	52536		Information Only Check	10-00-2005	.00 V
08/05	08/25/2005	52537	328	Les Schwab Tire Company	10-00-2005	940.00
08/05	08/25/2005	52538	1890	VOID - Marvin Parker	10-00-2005	.00
08/05	08/25/2005	52539	3174	Michelle Benoit	10-00-2005	814.00
08/05	08/25/2005	52540	2051	National Waterworks, Inc	10-00-2005	738.48
08/05	08/25/2005	52541	266	Northern Tool & Equipment Co	10-00-2005	83.36
08/05	08/25/2005	52542	2025	Numberg Scientific	10-00-2005	151.81
08/05	08/25/2005	52543	375	OR Department of Revenue	10-00-2005	30.60
08/05	08/25/2005	52544	584	Oregon Municipal Judges Assn	10-00-2005	85.00
08/05	08/25/2005	52545	293	Petty Cash	10-00-2005	140.22
08/05	08/25/2005	52546	1700	Phil's Auto Recycling	10-00-2005	35.00
08/05	08/25/2005	52547	866	Pitney Bowes	10-00-2005	402.00
08/05	08/25/2005	52548	169	Roto Rooter	10-00-2005	29,608.31
08/05	08/25/2005	52549	3269	Russell & Thurzann Pimley	10-00-2005	8.71
08/05	08/25/2005	52550	3272	SCILS - Kim Waller	10-00-2005	40.00
08/05	08/25/2005	52551	3280	Tom Long	10-00-2005	2.22
08/05	08/25/2005	52552	3255	Turner Road Trailer Sales	10-00-2005	25.00
08/05	08/25/2005	52553	136	United Pipe & Supply Co Inc	10-00-2005	1,853.84
08/05	08/25/2005	52554	1523	United Rentals	10-00-2005	90.36
08/05	08/25/2005	52555	917	Wm. H. Reilly & Co	10-00-2005	10,649.00
08/05	08/25/2005	52556	269	WW Grainger	10-00-2005	179.10
Totals:						<u>385,324.38</u>

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

In the matter of an appeal of File No. APP-1-05 an appeal of Planning Commission approval of file No. CUP-2-05, a conditional use permit for a temporary use to store materials and equipment; Fred Meyer Stores, applicant; Steve Bismarck, appellant.	) ) ) ) ) ) )
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Final ORDER  
and Findings of  
Fact

**ORDER** upholding the appeal of the Planning Commission approval of and denying an application for a Conditional Use Permit to allow the temporary storage of materials and equipment on a 10.98 acre parcel of land located on the east side of Mill Beach Rd., approximately 170 feet south of Railroad St.; Assessor's Map 41-13-6D, Tax Lot 320; zoned R-3 (Multiple Family Residential).

**WHEREAS:**

1. The Planning Commission duly accepted the application filed in accordance with the Brookings Land Development Code pursuant to Section 140 Conditional Use Permits; and

2. Such application is required to show evidence that all of the following criteria for a conditional use permit has been met:

- A. The proposal is in compliance with the Comprehensive Plan.
- B. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this code.
- C. The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use.
- D. The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the commission shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and bulk of buildings, walls and fences, landscaping, screening, exterior lighting and signing.
- E. In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complimentary to the surrounding area; and

3. The Brookings Planning Commission duly set this matter upon the agenda of a public meeting and considered the above described application with the public hearing a matter of record of the Planning Commission meeting of June 7, 2005; and

4. At the public meeting on said conditional use permit application, evidence and testimony was presented by the applicant and recommendations were received from and presented by the Planning Director in the form of a Staff Agenda Report, dated May 19, 2005 and oral presentation of same; and

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

**WHEREAS:**

1. The matter was appealed to the City Council; and,
2. The Brookings City Council duly considered the above described appeal in a public hearing at a regularly scheduled public meetings held on July 25, 2005, and are a matter of record; and
3. 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, overturned the Planning Commissions approval; and

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

**FINDINGS**

1. The applicant is requesting a conditional use permit to allow the temporary storage of materials and equipment used for the remodel of the Fred Meyer store, on a 10.98 acre parcel of land.
2. The subject property is zoned R-3 (Multiple Family Residential) and is designated as Residential by the Comprehensive Plan.
3. Storage facilities are not listed as a permitted or as a conditional use within the R-3 Zone.
4. Section 8, Definitions, of the Land Development Code, defines Temporary Uses as "A short-term, seasonal, or intermittent use, which shall be approved by the Planning Commission by means of the conditional use permit process with such conditions as the commission deems reasonable in accordance with the conditional permit standards."
5. The area to the west of the subject property is zoned for and developed with residential uses. The areas to the north and east are zoned for commercial or industrial uses. The subject property runs to the ocean on the south with a small residential node at the end of Wharf St.
6. The area used for storage will occupy approximately three acres of the subject site.

7. The conditions of approval contain requirements for the storage area to be paved and hours in which noise restrictions will apply.
8. The only historic, scenic or cultural attribute on or in the vicinity of the site is the existing mill pond.
9. The applicant has stated that the use of the property will end in mid November of this year (2005).

## **CONCLUSIONS**

1. The provisions of the underlying R-3 Zone are the governing factor in this case and the definition of temporary uses in Section 8, Definitions, does not apply. Since storage of equipment and materials is neither a permitted use nor a conditional use in the R-3 Zone, the proposed temporary storage is not appropriate in this location.

**LET IT FURTHER BE OF RECORD** that the City Council denied the requested Conditional Use Permit for a temporary storage facility.

Dated this 12<sup>th</sup> day of September 2005.

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Pat Sherman, Mayor

ATTEST:

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John C. Bischoff, Planning Director

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

<b>In the matter of Planning Commission File No.</b>	)	<b>Final ORDER</b>
<b>ANX-1-05; application for approval of an annexation,</b>	)	<b>and Findings of</b>
<b>Bruce Brothers, LLC, applicant.</b>	)	<b>Fact</b>
	)	

**ORDER** approving an application for an annexation of a 3,500± sq. ft. parcel of land located adjacent to the northerly city limits and adjacent to the easterly boundary of Old County Rd. and a 2940 sq. ft. parcel of land located adjacent to the northerly city limits and the westerly boundary of Tax Lot 1700. The 3,600± sq. ft. parcel is identified as Assessor's Map 40-13-32C, recently lot lined into Tax Lot 1500. The 2,940 sq. ft. parcel is identified as Assessor's Map 40-13-32CA, recently lot lined into Tax lot 1700.

**WHEREAS:**

1. The Planning Commission duly accepted the application filed in accordance with Section 148, Annexation, of the Land Development Code; and,
2. The Brookings Planning Commission duly considered the above described application on the agenda of its regularly scheduled public hearing on August 2, 2005; and
3. Recommendations were presented by the Planning Director in the form of a written Staff Agenda Report dated July 18, 2005, and by oral presentation, and evidence and testimony was presented by the applicant and the public at the public hearing; and,
4. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the Planning Commission, upon a motion duly seconded, accepted the Staff Agenda Report and recommended that the City Council approve the request, and
5. The Brookings City Council duly considered the above described application in a public hearing at a regularly scheduled public meeting held on September 12, 2005, and is a matter of record; and
6. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the City Council, upon a motion duly seconded, accepted the Planning Commission's recommendation and approved the request; and

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

**FINDINGS**

The applicant's findings are the primary findings in this matter and will be made a part of the Final Order if the annexation is approved. The following are general findings to show that all of the criteria have been meet.

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

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

## CONCLUSIONS

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

Dated this 12<sup>th</sup> day of September 2005.

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Pat Sherman, Mayor

ATTEST:

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John C. Bischoff, Planning Director

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

In the Matter of an Ordinance amending )  
the city limits and zoning map of the City )  
of Brookings by annexing a 3,600 sq. ft. )  
parcel and a 2,940 sq. ft. parcel, and )  
rezoning the parcels SR-20 (Suburban )  
Residential, 20,000 sq. ft. minimum lot size) )  
on that certain property described below. )

*ORDINANCE No. 05-O-568*

**Sections:**

**Introduction.**

**Section 1. Declaration of Annexation.**

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

**Section 3. Uncollected Taxes.**

**Section 4. Submittal to Secretary of State.**

**Section 5. Rezoning.**

**WHEREAS, property owners have petitioned the City of Brookings for annexation of the real property described in Exhibit "A1" and "A2" and depicted on map Exhibit "B1" and "B2" attached hereto, and that said territory is contiguous to exiting city limits pursuant to ORS 222.111; and**

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

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

**Section 1. Declaration of Annexation. That the property in the territory described in Exhibit "A1" and "A2" and depicted on map**



Exhibit "B1" and "B2", attached hereto and by this reference made a part hereof, which said real property is situated in Curry County, Oregon, and is contiguous to the City of Brookings and the subject property, be, and the same hereby is annexed to the City of Brookings.

Section 2. Declaration of Withdrawal from Suburban Rural Fire Protection District. That the property described in Exhibit "A1" and "A2" and depicted on map Exhibit "B1" and "B2" attached hereto is hereby withdrawn from the Suburban Rural Fire Protection District upon the annexation of the aforementioned property to the City of Brookings.

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

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

Section 5. Rezoning. Concurrent with the annexation, the property described in Exhibit "A1" and "A2" and depicted on map Exhibit "B1" and "B2" attached hereto is hereby rezoned from Residential Two Curry County zoning classification to the SR-20 (Suburban Residential, 20,000 Sq. ft. minimum lot size) City of Brookings zoning classification.

First Reading:

Second Reading:

Passage:

Effective Date:

Signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2005

ATTEST:

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

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

## EXHIBIT A1

Beginning at the southwest corner of that Parcel 2, Partition Plat No. 1991-32 Plat records of Curry County, Oregon, said point being on the Easterly right of way of Old County Road #776 and Located North 89° 03' 53" West 688.05 feet from the Southeast corner of the Northwest one quarter (NW1/4) of the Northwest one quarter (NW1/4) of Section 32, Township 40 South, Range 13 West of the Willamette Meridian, Curry County, Oregon; Thence South 89° 03' 53" East (also known as South 89° 23' 13" East) 36.37 feet along the south line of Parcel 2 to a 5/8" Iron Rod at the Northeast corner of the adjusted right of way per record Instrument #92-03111; Thence South 89° 03' 53" East 100.00 feet along the North line of said Northwest one quarter (NW1/4) of the Northwest one quarter (NW1/4): Thence North 35.00 feet; Thence North 89° 03' 53" West parallel to said North line 126.16 feet, more or less, to the easterly right of way of said Old County Road #776; Thence Southwesterly 36.66 feet along the said right-of-way, through a 75-foot Radius Curve Right (the long chord of which bears South 16° 20' 00" West 36.30feet), to the point of beginning.

Together with a non-exclusive, perpetual easement 30 feet in width, for ingress and egress over the existing road and any future improved road serving the lands of both grantee and grantor.

Subject to that certain easement to the Wailbel Estate, as recorded in Instrument #2003-3699, Deed Records of Curry County, Oregon.

Reserving unto the grantor the right to ingress and egress across the above described Parcel.

## EXHIBIT A2

Beginning at an iron pipe with a brass cap accepted as the Southwest One-sixteenth (SW1/16) corner of Section 32, Township 40 South, Range 13 West, Willamette Meridian, Curry County, Oregon, said corner being the Southeast corner of that Parcel 2 Partition Plat #1991-32, Plat Records of said Curry County;

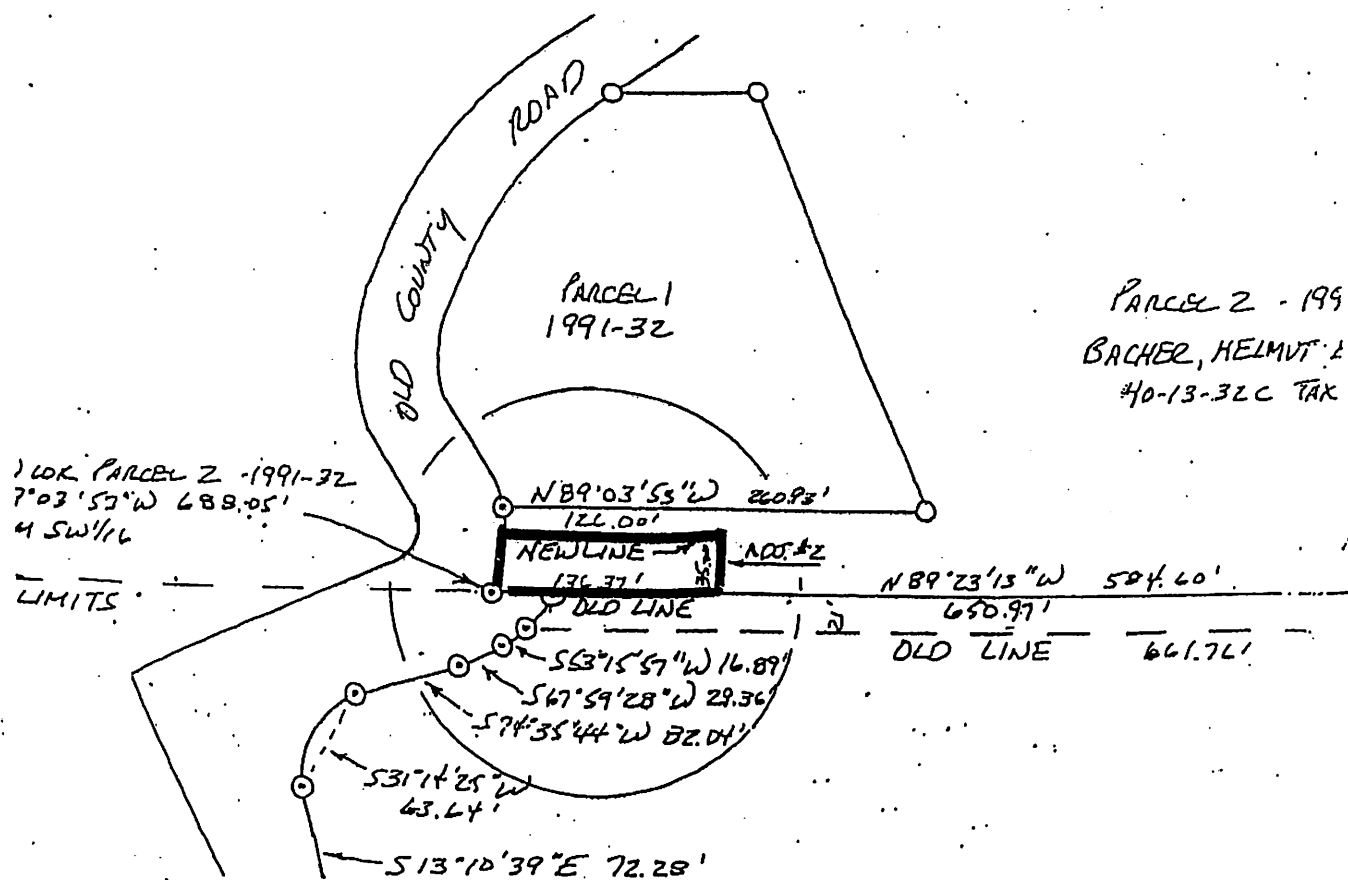
Thence North  $0^{\circ} 52' 41''$  East 79.66 feet along the current Grantor/Grantee common boundary to the Northwest corner of Lot 4, Second Addition to the Marina Heights Subdivision;

Thence along the new common boundary North  $89^{\circ} 03' 53''$  West 30.00 feet:

Thence South  $0^{\circ} 52' 41''$  West 79.66 feet to the south line of said Parcel 2 and the end of the hereby-adjusted line;

Thence South  $89^{\circ} 03' 53''$  East (also known as South  $89^{\circ} 23' 13''$  East) 30.00 feet along said south line to the point of beginning.

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# EXHIBIT B2

