



VAULT COPY

Agenda

City of Brookings
Common Council Meeting
Brookings City Hall Council Chambers
898 Elk Drive, Brookings Oregon
September 26, 2005 7:00 p.m.

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
- IV. Ceremonies/Appointments/Announcements**
 - A. Ceremonies**
 - 1. Proclamation – Disability Employment Awareness Month [page 5]
 - 2. Proclamation – Fire Prevention Week [page 7]
 - B. Appointments**
 - 1. Parks and Recreation Commission [page 9]
 - C. Announcements**
 - 1. Public Works Director Donald Wilcox
 - 2. Health Fair and Seminar
- V. Scheduled Public Appearances**
 - A.** Vietnam Veterans of America – Steven Dryden
- 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. Finance Department**
 - 1. System Development Charge Report [page 19]
 - B. Fire Department**
 - 1. Homecoming Bonn Fire [page 21]
 - C. City Manager**
 - 1. Other





VIII. Consent Calendar

A. Approval of Council Meeting Minutes

1. Meeting of September 12, 2005 [page 23]

End Consent Calendar

IX. Ordinances/Resolutions/Final Orders

A. Final Orders

1. In the matter Planning Commission File No. APP-02-05/VAR-02-05; an appeal of a variance request to a side yard setback and setback form a dwelling; William Burletson, applicant. [page 33]
2. In the matter of Planning Commission File No. ANX-2-05; application for approval of an annexation, city initiated. [page 35]

B. Ordinances

1. In the matter of Ordinance No. 05-O-569, amending the city limits and zoning map of the City of Brookings by annexing 8 taxlots located along Parkview Drive between Hampton Lane and Vista Ridge Drive. [page 45]

X. Remarks from Mayor and Councilors

A. Council

B. Mayor

XI. Adjournment

Events

September 2005

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

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

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			September 1	2	3
			8:15am CC-CmtyDevDpt Staff mtg/EWait 9:00am CC-Crm Stoppers 10:00am CC- Site Plan Com Mtg/LauraLee Gray		4
5	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 Commnity 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 1:00pm FH Health Fair Committee Mayor 1:30pm CC ODOT Autumn		11
					AMF 1 pm Humbolt St. Lumberjac
12	13	14	15	16	17
CC Elections when available					10:00am "Know Your Neighborhoods" Mayor's Walk
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	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	18
					AMF Tsunami Swing Band 1 pm
19	20	21	22	23	24
FH Auditors					8:00am CC Traffic School with Marvin 2259
CC Elections when available		10:00am CC LDC committee	8:15am CC-CmtyDevDpt Staff mtg/EWait 10:00am ODOT pre-construction for 10:00am CC- Site Plan Com 7:00pm CC-Parks & Rec		25
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				
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	

Events

October 2005

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

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 7:00pm CC-Planning 7:00pm FH CEP Joyce	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 1:30pm CC Health Fair group		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	10:00am CC ODOT Constutition Way discussion	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
					31
7:00pm FH-FireTng/ChShrp (Fire Hall)					CC Traffic School with Marvin 2259

CC Council Chamber
FH Fire Hall

PROCLAMATION

WHEREAS, thirty one percent of the population of Oregon is comprised of people with disabilities; and

WHEREAS, current studies place unemployment among Oregon's people with disabilities at more than 15%; and

WHEREAS, the American with Disabilities Act provided civil rights protection for Oregon's 1,069,450 persons with disabilities; and

WHEREAS, the Oregon Disabilities Commission has set the month of October as its annual observance of Disability Employment Awareness Month;

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

Disability Employment Awareness Month

And call upon the citizens of the city of Brookings to observe the month by learning about people with disabilities, their strengths, abilities, and the programs which serve their needs.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Brookings to be affixed this 26th day of September, 2005.



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

Pat Sherman
Mayor

Proclamation

Whereas, Brookings Fire and Rescue responds to more than 150 fires a year; and

Whereas, Oregon fire departments respond to a fire every 2 seconds; and

Whereas, home fires claimed more lives in the United States than all other natural disasters combined; and

Whereas, smoke alarms have been proven an effective life-saver, having helped to cut the home fire death rate by one half since their introduction to the general public;

Therefore, I, Pat Sherman, Mayor of the City of Brookings, do hereby proclaim the week of October 10 - 15, 2005, as

Fire Prevention Week

and call upon the people of Brookings and the surrounding area to remember the Fire Prevention 2005 reminder, "Home Fire Safety is up to You": Test Your Smoke Alarms" and urge all citizens to heed advice to install and maintain smoke alarms.

In witness hereof, I hereunto set my hand this 26th day of September, 2005.



A handwritten signature in black ink, which appears to read "Pat Sherman".

Pat Sherman
Mayor

September 12, 2005

Dear Mayor Sherman,

Please accept my application to serve on the City of Brookings Parks and Recreation Commission. I look forward to meeting with you to discuss the position in further detail. I enjoyed working with you and the City on the Chetco Avenue beautification project and would welcome the opportunity to serve the community in an even greater capacity.

Sincerely,

Michelle R Benoit

Michelle Benoit
17011 Apple Alley
Brookings, OR 97415



City of Brookings

Phone (541) 469-1100

FAX (541) 469-3650

E-mail - city@brookings.or.us

898 Elk Drive ♦ Brookings, OR 97415

APPLICATION TO SERVE ON A CITY OF BROOKINGS COUNCIL, BOARD, COMMITTEE, COMMISSION

Name: Michelle Benoit Date: 9-10-05

Physical Address: 17011 Apple Alley, Brookings, OR 97415

Mailing Address: P.O. Box 4093 Brookings Phone: 541-469-9296

Email Address: mbenoit67@yahoo.com

This is my application to serve on the following board or committee. Check one or more:

- ☐ City Council (4 year term, appointed by Council)
- ☐ Planning Commission (4 year term, appointed by Council)
- ☒ Parks and Recreation Commission (4 year term, appointed by Council)
- ☐ Systems Development Charge Review Board (4 year term, appointed by Council)
- ☐ Budget Committee (3 year term, appointed by Council)
- ☐ Other (Please list): _____

1. Resident of City of Brookings since: Month: 10 Year: '04

2. Please briefly explain why you wish to serve the community in this capacity and what prior experience, community service, or background you have in this area. (Attach additional sheets if needed.) I believe it takes great citizens to make a great city. In order for Brookings to achieve its potential the citizens must care enough to dedicate the time and

(Continued on back)

2. Continued: energy required in its thoughtful development. The leaders who guide this development must possess the vision to see potential, the perseverance to get the job done, and the taste to do it beautifully. My work as a garden designer has helped me to develop these qualities. I have designed greenspaces for (over)

3. Biographical Sketch: (Education, employment, volunteer activities, etc.) (Attach additional sheets if needed.)

1990 - Bachelor of Arts - French Language, Literature & Culture - Michigan State Univ

1995 & 2002 - Garden Design Courses - Portland Community College

2000 - Multnomah County Master Gardener

2000-2002 - Cistus Design Nursery - Nursery labor and retail sales

2000-present - Garden Designer/Business owner

Volunteer activities: various activities for Master Gardener Program including creating a scale drawing for a private non-profit teaching garden for inner city youth, staffing info booths & hotlines, answering gardening questions Brookings-Harbor Garden Club, Chetco Ave Beautification Project

4. Please list no less than three references:

NAME:

ADDRESS:

PHONE:

A. Donna Cramer 17098 Ferry Creek Heights 469-6959

B. Barbara DeMoss 209 Alta Lane 469-7071

C. Dave Lentz 98203 S. Bank Chetco River Rd. 469-4854

Michelle R. Bennett

Signature—My signature confirms my knowledge this document will be presented to the City Council and news media and become public information.

9-10-05
Date

both public and private use, commercial, residential and municipal. During my thirteen year residence in Portland I gained an appreciation for what public parks and community centers can offer a community. Having pleasant places to gather for various activities is an important part of knitting together a community of diverse people. Public spaces are an equalizing force in that everybody is welcome to use them. I would welcome the opportunity to serve the community in the development and operation of new and existing facilities and parks.

1. I intend to donate voluntary services for the City of Brookings (hereinafter "City") as follows:
Parks and Recreation Commission

2. I acknowledge that I will not be under the direct supervision and control of the City in connection with voluntary services described above.
3. I acknowledge that no compensation or expense reimbursement will be paid by the City in connection with the services described above.
4. I agree that such volunteer services will be donated to the City at times other than my regular work hours.
5. I release the City from all matters relating to voluntary service by the undersigned, including compliance, if any is required, with social security, withholdings, insurance and all other regulations and reportings governing such matters.. I assume full responsibility for any injuries or damages suffered by or arising from this voluntary service.
6. I release, indemnify and hold the City harmless from and against any and all actions, causes of action, claims, demands, liabilities, losses, damages or expenses, of whatsoever kind and nature, including attorney fees, which City may sustain or incur as a result of errors or omissions in the performance of voluntary services set forth above.

Signed voluntarily in the presence of the witnesses whose signatures are shown below mine.

Michelle P. Benoit 9-13-05
Date

Vicki Bailey 9-13-05
Witness Date

Carol Miller 9-13-05
Witness Date

City of Brookings: Mayor Pat Sherman Friday - Sept. 9, 2005

As a former school teacher for 35 years and a city councilman (Cole Camp, Missouri) for six, I find myself in new surroundings wanting to help.

My wife of 31 years and myself moved here on August 30, drawn by the climate and the friendliness of the people. I am a native of Pasadena California who always wanted to return to the west coast upon retirement, had the chance, and here I am.

I believe that a town is only as good as its people. Good people equal a good town. I offer my services if needed.

Thank you for your consideration.

Sincerely
Don Vilella

835 Chetco Point Terrace
Brookings, OR. 97415



City of Brookings

Phone (541) 469-1100

FAX (541) 469-3650

E-mail - city@brookings.or.us

898 Elk Drive ♦ Brookings, OR 97415

APPLICATION TO SERVE ON A CITY OF BROOKINGS COUNCIL, BOARD, COMMITTEE, COMMISSION

Name: Don Vilella

Date: Sept. 8, 2005

Physical Address: 835 Chetco Point Terrace

Mailing Address: 835 Chetco Point Terrace

Phone: cell - 660-723-0241

Email Address: _____

Verizon said it would be the end of Sept before we would have phone service even though we contacted them 2 months ago.

This is my application to serve on the following board or committee. Check one or more:

☐ City Council (4 year term, appointed by Council)

☐ Planning Commission (4 year term, appointed by Council)

☐ Parks and Recreation Commission (4 year term, appointed by Council)

☐ Systems Development Charge Review Board (4 year term, appointed by Council)

☐ Budget Committee (3 year term, appointed by Council)

☒ Other (Please list): Parks & Recreation Commission

1. Resident of City of Brookings since: Month: Aug. Year: 2005

2. Please briefly explain why you wish to serve the community in this capacity and what prior experience, community service, or background you have in this area. (Attach additional sheets if needed.) I like to help people and have always been involved in service work. I served six years on the Cole Camp, Missouri City Council as streets commissioner,

(Continued on back)

2. Continued: _____

3. Biographical Sketch: (Education, employment, volunteer activities, etc.) (Attach additional sheets if needed.)

My education level is a B.S.S.E plus 12 hours; I retired from a 35 year teaching career (grades 7,8,9) American History, Economics, and Government. I coached Little League, Chics softball (girls 10-12) Junior High & Freshman Basketball; I am a registered (Missouri) soccer (24 yrs) and basketball (22 years) official. I have done volunteer tutoring and conducted trash pickup along highways. Worked 2 seasons with the Downtown Warsaw beautification project.

4. Please list no less than three references:

NAME:

ADDRESS:

PHONE:

A. William Smart	Jonia, Missouri	(660) 285-3431
B. Dick Wilson	117 Tanbark, Brookings OR.	469-4798
C. Noah Bruer	847 Chetco Pt. Terrace "	469-8037
D. Renee Sirchuck	1313 Homestead Rd. "	469-5453

Don Velle

Signature—My signature confirms my knowledge this document will be presented to the City Council and news media and become public information.

Sept. 9, 2005
Date

1. I intend to donate voluntary services for the City of Brookings (hereinafter "City") as follows:
I walk every morning and pick up trash along 101 and residential streets + around businesses. I would like to get involved in my new hometown - a dream realized; my dad would be so happy and pleased.
2. I acknowledge that I will not be under the direct supervision and control of the City in connection with voluntary services described above.
3. I acknowledge that no compensation or expense reimbursement will be paid by the City in connection with the services described above.
4. I agree that such volunteer services will be donated to the City at times other than my regular work hours.
5. I release the City from all matters relating to voluntary service by the undersigned, including compliance, if any is required, with social security, withholdings, insurance and all other regulations and reportings governing such matters. I assume full responsibility for any injuries or damages suffered by or arising from this voluntary service.
6. I release, indemnify and hold the City harmless from and against any and all actions, causes of action, claims, demands, liabilities, losses, damages or expenses, of whatsoever kind and nature, including attorney fees, which City may sustain or incur as a result of errors or omissions in the performance of voluntary services set forth above.

Signed voluntarily in the presence of the witnesses whose signatures are shown below mine.

Date

Witness

Date

Witness

Date

CITY OF BROOKINGS



STAFF REPORT

Date: September 21, 2005

To: Mayor Sherman and City Council

From: Paul Hughes, Finance Director

Subject: System Development Charge Report

BACKGROUND

You have received a copy of the September 2005 System Development Charge Report prepared by the Dyer Partnership and City staff. A copy is also on file in the City Managers office. Michael Dees of the Dyer Partnership will be at the September 26th Council meeting to present the report. Staff will also be on hand to answer questions. If the Council accepts the report with or without changes, the next step is to give written notification to all interested persons of the intent to modify the system development charges. After a 90 day waiting period, an ordinance establishing the SDC methodology and costs will be adopted by the Council.

RECOMMENDATION

Staff recommends Council approval of the System Development Charge report, with any changes deemed necessary, and authorize staff to notify interested persons of the City's intent to modify the current system development charge structure and fees.

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



Memo

To: Mayor, Council
From: William Sharp, Fire Chief
Date: 9/16/05
Re: High school homecoming Bonn fire

Each year during the High school foot ball season the freshman class of Brookings Harbor High school sponsors a Bonn fire as part of the football homecoming activities. This event is held on School District property and supported by the school with chaperones. The Bonn fire has always been a well run activity. The Brookings Fire Department has always supported and been involved in this event by approving it as well as being on-site to start the fire, monitoring it and ultimately put it out when they are through. This year is no exception. However, last year when the City Council banned construction debris burning and large land clearing burns it was decided that the School Homecoming Bonn fire would require a special permit from the City Council each year in order for it to be allowed.

I received a letter request from the freshman class President, Molly Moncrief, requesting the City Council's consideration of this event planned to be held Monday, October 17, 2005 at 7:00 PM on the empty lot adjacent to the K-school.

The Fire Department recommends Council's support and permission of this school activity.

September 14, 2005

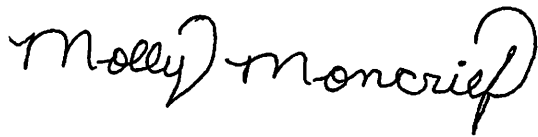
Dear Fire Chief Bill Sharp and City Council Members of Brookings:

The Freshman Class of BHHS would like to request permission to hold the annual homecoming week bon fire. The event will be held on Monday, October 17, 2005 at 7:00 in the evening. As always the location is the empty lot adjacent to K-school off of Ransom.

Please consider this request and contact myself, Molly Moncrief, Freshman Class President or Kristy Kleespies, Leadership Advisor at 469-2108 ext. 269 or 469-9225.

Thank you for your time considering this request.

Sincerely,

A handwritten signature in cursive script that reads "Molly Moncrief". The signature is written in dark ink and is positioned below the word "Sincerely,".

The Freshman class of 2009

President Molly Moncrief

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

The Council went into 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 Executive Session adjourned at 6:20 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 members of the Emblem Club.

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
Community Development Director Ed Wait
Senior Planner Dianne Snow
Administrative Assistant Donna Colby-Hanks

Media Present: *Curry Coastal Pilot* Reporter Brian Bullock

Other: approximately 20 citizens

Mayor Sherman stated there was an addition to the agenda.

Councilor Willms moved, a second followed, and the Council voted unanimously to add the contract for a consulting water rights attorney to the agenda.

IV. Ceremonies/Appointments/Announcements

A. Ceremonies

1. Proclamation – Fall Clean-Up

The Fall Clean-Up Proclamation was presented to Jan Willms who led the Litter-B-Gone project the previous weekend. Willms thanked the volunteers for their effort in spite of the rain and invited everyone to bring their friends and participate next time.

2. *Proclamation – National Emblem Club Week*
Nadine Powers accepted the National Emblem Club Proclamation on behalf of all members.
3. *Yard of the Month – Dina Grossman, 7001 Welch Court*
Most Improved Yard – Robert & Linda Donaca, 839 Old County Road
Commercial Property – Wild Rivers Motorlodge, 437 Chetco Ave.

Mayor Sherman announced ODOT had completed their speed studies on Parkview and has recommended 25 MPH signs be installed. Councilor Anderson thanked Rex Atwell for his persistence in making this happen.

V. Public Hearing

- A. *A request, ANX-2-05, 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.*

Mayor Sherman opened the public hearing at 7:12 and reviewed the description of the application. Councilor Mickelson stated he had visited the site. There was no other ex parte contact. There were no questions from the audience. There were no personal biases from the Councilors or objections from the audience. Mayor Sherman reviewed the hearing procedure.

Senior Planner Dianne Snow reviewed the staff report and Planning Commission recommendations for ANX-2-05 and stated a fifth property has come forward wanting to receive services. Councilor Anderson asked about the location of different sizes of water lines and the copies of the signed Deferred Improvement Agreements (DIA's). Councilor Gordon asked for clarification of the payback to the original contractor who installed the sewer line. Mayor Sherman felt there was some confusion in the community regarding the requirement to hook to the sewer line. Community Development Director Ed Wait stated the property owners would not be required to hook up to the sewer line.

Applicant/Agent

The City had no additional comments.

Planning Commissioner Comments

None.

Testimony in Support

Paul Guernsey, 15954 Short Way, Brookings, purchased taxlot 1900, with a septic system in poor condition, with future plans to partition it. He explained that the expense of hooking into the sewer line would be offset with the benefits of other City services. There were no questions for Guernsey.

Bob Covey, 16987 Parkview Dr., Brookings, was in favor of the annexation and explained the time for improvements is before paving begins. There were no questions for Covey.

Ed Curtis, 17094 Parkview, P.O. Box 4043, Brookings, stated he bought taxlot 1317 many years ago to be annexed and subdivided. He felt it all needed to be done now. There were no questions for Curtis.

Opposition

None.

Interested Parties / Agencies

Rex Atwell, 17169 Parkview, Brookings, stated there was a property located approximately 15' below the present sewer line. He was concerned with the cost to pump up to the sewer line. Atwell suggested piping down to Rustic Lane. Wait stated pumps were an option used all the time and the costs are more.

Rebuttal

None.

There was no request to leave the record open for 7 days.

The hearing was closed at 7:38 p.m.

The Council discussed the payback procedure and ORS time limit.

Councilor Gordon moved, a second followed, and the Council voted unanimously to approve the Parkview annexation, ANX-2-05.

Councilor Gordon moved, a second followed, and the Council voted unanimously to direct staff to prepare a final order with findings and an ordinance for the Parkview annexation, ANX-2-05.

Ex Officio Stadelman did not participate in the vote on this application.

- 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.*

Mayor Sherman opened the public hearing at 7:53 and reviewed the description of the application, ANX-1-05. There was no ex parte contact declared. Councilor Anderson declared a potential conflict but stated he could render a fair decision. There was no other personal bias. There were no questions or objections from the audience. Mayor Sherman reviewed the hearing procedure.

Senior Planner Dianne Snow reviewed the staff report and explained this annexation was a condition of approval of a Planned Unit Development (PUD) approved by the Planning Commission and was contiguous to the city limits.

Applicant/Agent

Richard Wise, agent for Bruce Brothers, P.O. Box 61, Brookings stated the paving on Old County Road was complete. There were no questions.

Planning Commissioners Comments

None.

Testimony in Support

None.

Opposition

None.

Interested Parties / Agencies

None.

Rebuttal

None.

There was no request to leave the record open for 7 days.

The hearing was closed at 8:02 p.m.

The Council discussed the application.

Councilor Anderson moved, a second followed, and the Council voted unanimously to approve the Bruce Brothers annexation, ANX-1-05.

Councilor Willms moved, a second followed, and the Council voted unanimously to direct staff to prepare a final order with findings and an ordinance for the Bruce Brothers annexation, ANX-1-05.

Ex Officio Stadelman did not participate in the vote on this application.

- 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.*

Mayor Sherman opened the public hearing at 8:05 and reviewed the description of the application, VAR-02-05. Mayor Sherman stated she had visited the site and described what she saw. There were no questions from the audience regarding the site visit. There was no other ex parte contact declared. There were no personal bias. There were no

questions or objections from the audience. Mayor Sherman reviewed the hearing procedure.

Senior Planner Dianne Snow reviewed the staff report and entered a group of photos, Exhibit "A", submitted by the applicant into the record. There were no questions for staff.

Applicant/Agent

Bill and Jimmie Burletson, applicant, P.O. Box 8152, Brookings, presented letters written in support of their application, Exhibit "B", and explained it would be impossible to place the shed anywhere else on the property due to slope and drainage problems. Mrs. Burletson advised that her husband and a friend had constructed the shed that contained no electricity.

Planning Commissioners Comments

None.

Testimony in Support

None.

Opposition

None.

Interested Parties / Agencies

None.

There was no request to leave the record open for 7 days.

The hearing was closed at 8:21 p.m. The Council deliberated on the application.

Councilor Mickelson moved, a second followed, and the Council voted unanimously to uphold the Planning Commission decision and deny the application for a variance, VAR-02-05.

Councilor Mickelson moved, a second followed, and the Council voted unanimously to direct staff to prepare a final order with findings for VAR-02-05.

Ex Officio Stadelman did not participate in the vote on this application.

VI. Oral Requests and Communications from the Audience

A. Committee and Liaison reports

1. Chamber of Commerce

Les Cohen stated the Chamber had represented the area in Curry County's booth at the Oregon State Fair. The Chamber's newsletter would contain a recent study that indicated 25,000 visitors had come to this area. This exceeds anything from previous years. There was a meeting for the new advertising campaign. Cohen discussed a new program to track the demographics of people interested in the

area. Councilor Anderson commended Jim Releford, Leroy Blodgett and the other key players of the Slam'n Salmon Derby for its great success.

2. *Council Liaisons*

Ex Officio Stadelman stated she had begun her senior year of high school, played in a soccer game, and participated in the corn shucking challenge.

Councilor Gordon attended the corn shucking challenge, a Chamber forum regarding the demographics of workers, Communities Agencies meeting, a Chamber marketing meeting, a lip sync meeting, a local public safety coordination meeting, and the City Council/Planning Commission Work Session.

Councilor Mickelson attended the City Council/Planning Commission Work Session, a Planning Commission meeting, a Chamber marketing meeting, a Back to School Breakfast, and the corn shucking challenge.

Mayor Sherman attended a Brookings Harbor Education Foundation meeting, the City Volunteer/Employee picnic, the City Council/Planning Commission Work Session, the corn shucking challenge, the school's quarterly breakfast, a meeting for the health fair, and gave a speech to retired employees.

Councilor Anderson attended the Community Agencies meeting, Chetco Watershed meeting, City Council/Planning Commission Work Session, Back to School Breakfast, the City Volunteer/Employee picnic, the corn shucking challenge, and Litter-B-Gone.

Councilor Willms attended the City Council/Planning Commission Work Session, the City Council Executive Session, the corn shucking challenge, work parties for Azalea Park, health fair meeting, and Litter-B-Gone.

B. *Unscheduled*
None.

VII. Staff Reports

A. *Community Development Department*

1. *Quitclaim Deed for a 10' strip of land adjacent to Matot Street*
Senior Planner reviewed the staff report. There were no questions from the Council.

Councilor Anderson moved, a second followed, and the Council voted unanimously to accept the Quitclaim Deed for a 10' strip of land adjacent to Matot Street.

2. *Contract for emergency generator for water treatment plant*
Community Development Director Ed Wait reviewed the staff report and clarified the two bids submitted for the emergency generator.

Councilor Mickelson moved, a second followed, and the Council voted unanimously, with Ex Officio Stadelman abstaining due to a conflict, to approve awarding the contract for the water treatment plant generator project to Stadelman Electric.

3. *Easement Deed over a portion of Parcels 1 and 2, Murray Partition Plat 2005-31*

Community Development Director Ed Wait reviewed the staff report. There were no questions from the Council.

Councilor Willms moved, a second followed, and the Council voted unanimously to accept the Easement Deed over a portion of Parcels 1 and 2, Murray Partition Plat 2005-31.

4. *Geographic Information System (GIS) grant acceptance*

Councilor Gordon stated he had a conflict and would not be participating. Senior Planner Dianne Snow reviewed the staff report and explained the grant would exceed the cost of the program for the year. The cost would need to be reviewed each year.

Councilor Mickelson moved, a second followed, and the Council voted unanimously, with Councilor Gordon abstaining due to conflict of interest, to accept the GIS grant from Land Conservation and Development (DLCD).

B. City Manager

1. *City Manager Recruitment – Public input on characteristics*

Interim City Manager Burke Raymond reviewed the staff report and asked for oral public input. There was no public comment. Raymond stated written comments could be submitted to the City of Brookings. The Council has reviewed the top ten candidates and selected two possible times for the interviews. City Attorney John Trew stated the League of Oregon Cities would provide background checks for 3 candidates.

2. *Review of Ordinance No. 315 regulating the consumption and possession of alcoholic beverages on public premises*

Interim City Manager Burke Raymond reviewed the staff report and research of previous permits to allow the consumption of alcohol on public premises. The Council discussed their concerns with the alcohol issues in the community and directed staff to prepare an ordinance to repeal Ordinance 315.

3. *Contract for water rights attorney*

Interim City Manager Burke Raymond reviewed a letter dated July 12, 2005 from Water Resources Department. He recommended the Council contract with Martha Pagel of Schwabe, Williamson, & Wyatt to review the record.

Councilor Anderson moved, a second followed, and the Council voted unanimously to approve hiring Martha Pagel of Schwabe, Williamson, &

Wyatt to represent the City in the water application and to review all the City's water rights. A work session will be held upon completion of her work.

VIII. Consent Calendar

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

End Consent Calendar

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

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.*

Councilor Anderson moved, a second followed, and the Council voted unanimously to approve the final order and findings of facts for App-1-05.

- 2. *In the matter of Planning Commission File No. ANX-1-05; application for approval of an annexation, Bruce Brothers, LLC, applicant.*

Councilor Gordon moved, a second followed, and the Council voted unanimously to approve the final order and findings of facts for Bruce Brothers annexation, ANX-1-05.

- 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".*

Councilor Mickelson read Ordinance No. 05-O-568 in its entirety.

Councilor Gordon moved, a second followed, and the Council voted unanimously to have the second reading of Ordinance No. 05-O-568, Bruce Brothers annexation.

Councilor Mickelson did the second reading, title only, of Ordinance No. 05-O-568.

Councilor Gordon moved, a second followed, and the Council voted unanimously to adopt Ordinance No. 05-O-568, Bruce Brothers annexation.

X. Remarks from Mayor and Councilors

A. Council

Councilor Anderson stated the non-functional telephone booth in front of city hall needs to be removed.

B. Mayor

None.

XI. Adjournment

Councilor Mickelson moved, a second followed, and the Council voted unanimously by voice vote to adjourn the meeting at 9:45 p.m.

Pat Sherman
Mayor

ATTESTED by City Recorder this ____ day of ____, 2005.

Paul Hughes
Finance Director/City Recorder

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

In the matter of Planning Commission File No. APP-02-05/VAR-02-05; an appeal of a variance request to a side yard setback and setback from a dwelling; William Burletson, applicant.)))))	Final ORDER and Findings of Fact
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ORDER UPHOLDING THE DECISION OF THE PLANNING COMMISSION TO DENY a request for a variance to allow a 2.6 ft 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.

WHEREAS, the applicant appealed the Planning Commission's denial of the variance, pursuant to Section 156, Appeal to the City Council, and

1. The Brookings City Council duly considered the above described application on the agenda of a public hearing on September 12, 2005, and
2. Presentations were made by the Planning director in the form of a written Staff Agenda Reports dated August 22, 2005 and by oral presentation, and evidence and testimony were presented by the applicant at the public hearing, 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, considered the Staff Agenda Report and upheld the Planning Commission decision and denied the appeal of variance, and directed staff to prepare a FINAL ORDER and Findings of Fact to that effect.

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 and CONCLUSIONS

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
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. The City Council determined the applicant failed to show exceptional circumstances apply to this property. The City Council stated the applicant could park a car outside of the two car garage to make room for materials now kept in the shed and remove the encroaching shed.
4. 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 12th day of September, 2005

Pat Sherman, Mayor

ATTEST:


Dianne Snow, Senior Planner

In the matter of Planning Commission File No.) Final ORDER
ANX-2-05; application for approval of an annexation,) and Findings of
city initiated.) Fact
)

WHEREAS:

- 35

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

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

This is a rectangular shaped, 0.40 acre (17,424 sq. ft.) 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 essential 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 count 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 plant 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.

Dated this 26th day of September 2005.

Pat Sherman, Mayor

ATTEST:

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 eight tax lots and)
portions of Parkview Dr. and Gowman Ln.)
and rezoning the parcels R-1-6 (Single)
Family Residential, 6,000 sq. ft. minimum)
lot size) as described below.)

ORDINANCE No. 05-O-569

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, the eight tax lots and portions of Parkview Dr. and
Gowman Ln. described in Exhibit "A" and depicted on map Exhibit "B"
attached hereto, and that said territory is contiguous to exiting city limits
pursuant to ORS 222.111; and**

**WHEREAS, each of the eight tax lots have an irrevocable
annexation agreement recorded with the Curry County Clerk, which
agreements represent a majority of the electors registered in the
territory proposed to be annexed and the owners of more than half of
the land in that territory, pursuant to ORS 222.170(2); and**

THE CITY OF BROOKINGS ORDAINS AS FOLLOWS:

**Section 1. Declaration of Annexation. That the property in the
territory described in Exhibit "A" and depicted on map Exhibit "B",
attached hereto and by this reference made a part hereof, which said**

real property is situated in Curry County, Oregon, and is contiguous to the City of Brookings and the subject property, be, and the same hereby is annexed to the City of Brookings.

Section 2. Declaration of Withdrawal from Suburban Rural Fire Protection District. That the property described in Exhibit "A" and depicted on map Exhibit "B", attached hereto is hereby withdrawn from the 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 "A" and depicted on map Exhibit "B" attached hereto is hereby rezoned from Residential Two and Residential Three Curry County zoning classifications to the R-1-6 (Single Family Residential, 6,000 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 A

TRACT 1

(Portion of Parkview Drive, 40-13-31CB tax lots 1300, 1400, 1401)

A tract of land in the Northwest Quarter of the Southwest Quarter of Section 31, Township 40 South, Range 13 West, Willamette Meridian, Curry County, Oregon, described as follows:

BEGINNING at the southwest corner of Welch Subdivision Plat 2004-05, Instrument 2004-2387, Official Records of Curry County, Oregon, said point lying on the easterly right of way line of Parkview Drive;

thence along the southwesterly line of said Welch Subdivision, South 52°13'52" East 252.72 feet to the southeast corner of that parcel conveyed to Robert D. Covey and Nancy B. Covey trustees, in Instrument 1998-5409, Official Records of Curry County, Oregon;

thence following said Covey parcel South 42°53' West 137.01 feet to the most easterly corner of that parcel conveyed to Ona Zola Burgess in Book 30 page 886, Official Records of Curry County, Oregon;

thence following said Burgess parcel North 52°00" West 225.4 feet to the north corner of Burgess and a point on the easterly right of way line of Parkview Drive;

thence along said easterly right of way line, South 29°31' West 25.00 feet to the north corner of that parcel conveyed to Gordon O. Mize and Sandra L. Mize in Book 152 Page 313, Official Records of Curry County, Oregon;

thence following said Mize Parcel, South 11°10' East 261.84 feet to the southeast corner of that parcel conveyed to James C. Schutte in Instrument 2001-6454, Official Records of Curry County, Oregon;

thence following the south line of said Schutte parcel, West 165.30 feet, more or less, to a point on the east right of way line of Parkview Drive;

thence Southerly along said easterly right of way line to its intersection with the north right of way line of Hampton Lane;

thence Westerly on the prolongation of said Hampton Lane north right of way line, to its intersection with the westerly right of way line of Parkview Drive;

thence Northerly along said Westerly right of way line of Parkview Drive to a point that bears North 52°13'52" West from the Point of Beginning;

thence South 52°13'52" East 54.15 feet, more or less, to the POINT OF BEGINNING.

TRACT 2

(Portion of Parkview Drive, 40-13-31B tax lot 1900)

A tract of land in the Northwest Quarter of Section 31, Township 40 South, Range 13 West, Willamette Meridian, Curry County, Oregon, described as follows:

BEGINNING at a point described as North 1018.55 feet and West 939.20 feet from the Center Quarter Corner of said Section 31, said point lying on the South right of way line of Parkview Drive;

thence along said right of way line, West 364.48 feet to the Northeast corner of that parcel conveyed to Lawyers Exchange-Guernsey, LLC, a Oregon Limited Liability Company, in Instrument 2005-3099, Official Records of Curry County, Oregon;

thence following said Lawyers Exchange parcel, South 96.00 feet to the Southeast corner of said parcel;

thence West 180.00 feet to the Southwest corner of said parcel;

thence North 96.00 feet to the South right of way line of Parkview Drive;

thence West 155.00 feet;

thence North 50.00 feet to the North right of way line of Parkview Drive;

thence along said North right of way line, East 699.48 feet to a point that bears North from the Point of Beginning;

thence South 50.00 feet to the POINT OF BEGINNING.

TRACT 3

(40-13-31B tax lot 1317)

A parcel of land in the Southwest Quarter of the Northwest Quarter of Section 31, Township 40 South, Range 13 West, Willamette Meridian Curry County, Oregon, described as follows:

Beginning at a point which bears North 89°55'58" East, 175.41 feet from the Northeast corner of Lot 6, Block 2, Stafford Tract;

thence North 89°55'58" East, 360.32 feet;

thence South 0°55'44" East, 118 feet;

thence South 89°55'58" West, 360.32 feet;

thence North 0°55'44" West 118 feet, to the Point Of Beginning.

Except: The 50 foot in width county road.

TRACT 4

(40-13-31B tax lot 1321)

That certain parcel of land located in the Northwest Quarter of Section Thirty-one (31), Township Forty (40) South, Range Thirteen (13) West, Willamette Meridian Curry County, Oregon and more particularly described as follows:

Beginning at a point 138.95 feet South and 175.00 feet East of the Northeast corner of Lot One (1), Block Two (2), of the Stafford Tract;

thence North 89°39'16" East a distance of 336.00 feet;

thence South 0°55'44" East a distance of 175.85 feet;

thence South 89°39'16" West a distance of 336.00 feet;

thence North 0°55'44" West a distance of 175.85 feet to the Point Of Beginning.

TRACT 5

(40-13-31B tax lots 1398, 1801)

A tract of land in the Northwest Quarter of Section 31, Township 40 South, Range 13 West, Willamette Meridian, Curry County, Oregon, described as follows:

BEGINNING at a point described as North 801.55 feet and West 1535.94 feet from the Center Quarter Corner of said Section 31, being that one marked by a brass capped iron pipr set by the Curry County Surveyor in 1970;

thence South 05°01'50" East 170.66 feet to an iron rod;

thence East 118.30 feet;

thence North 170.00 feet to an iron rod;

thence West 87.12 feet to the southeast corner of that parcel conveyed to Richard M. Value and Jeanne M. Value in Instrument 90-06187, Official Records of Curry County, Oregon;

thence following said Value parcel, North 108.50 feet;

thence West 155.00 feet to the Easterly right of way line of Parkview Drive;

thence along said Easterly right of way line, South 108.50 feet, more or less, to a point that bears West from the Point of Beginning;

thence East 108.86 feet to the POINT OF BEGINNING.

TRACT 6


(Portion of Gowman Lane)

That portion of Gowman Lane lying in the Northwest Quarter of Section Thirty-one (31), Township Forty (40) South, Range Thirteen (13) West, Willamette Meridian Curry County, Oregon and more particularly described as follows:

BEGINNING at the southwest corner of Vista Ridge Subdivision Plat 2004-06, recorded in Instrument 2004-2647, Official Records of Curry County, Oregon, said point lying on the North right of way line of Gowman Lane;

thence on the prolongation of the West boundary line of said Vista Ridge Subdivision,
South 00°03'17" East 50.00 feet, more or less, to the South right of way line of Gowman Lane;
thence along said south right of way line, Easterly 77.50 feet, more or less, to its
intersection with the west right of way line of Parkview Drive;
thence along said west right of way line, Northerly 50.00 feet to the north right of way line
of said Gowman Lane;
thence North 89°56'49" West 77.50 feet, more or less, to the POINT OF BEGINNING.

REGISTERED
PROFESSIONAL
LAND SURVEYOR


OREGON
JULY 25, 1995
RICHARD P. ROBERTS
2730

Exp Date 12/31/06

EXHIBIT B

