

Agenda

VAULT COPY

City of Brookings
Common Council Meeting
Brookings City Hall Council Chambers
898 Elk Drive, Brookings Oregon
November 15, 2004 7:00 p.m.

Before the regular Common Council meeting there will be a meeting of the Budget Committee 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: Award Certificates to K-4 Grade Student Winners of the City's Fire Prevention Week Coloring Contest
- B. Announcements: Ted Freeman's resignation from Planning Commission

V. Oral Requests and Communications from the Audience

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

VI. Staff Reports

- A. City Manager
 - 1. Biosolids Update [pages 5-6]
 - 2. Burning Ban Exception [page 7]
 - 3. Quitclaim Approval [pages 9-12]

VII. Executive Session [Pursuant to ORS 192.660(2)(h)]

VIII. Consent Calendar

- A. Approval of Council Meeting Minutes – October 25, 2004 [pages 13-20]
- B. Acceptance of Parks and Recreation Commission Meeting Minutes – September 23, 2004 [pages 21-23]
- C. Acceptance of Planning Commission Meeting Minutes – Regular Meeting October 5, 2004 and Special Meeting Continuation October 19, 2004 [pages 25-31]
- D. Approval of Downtown Development Subcommittee Meeting November 10, 2004 [page 33]
- E. Approval of Vouchers for the Month of October, 2004 - \$382,864.13 [page 35-38]
- F. Building Department Activities Summary [pages 39-40]

End Consent Calendar

IX. Ordinances/Resolutions/Final Orders

A. Final Orders:

Ransom Creek PUD-2-04 [pages 41-44]

Woosley Variance VAR-3-04 [pages 45-47]

X. Remarks from Mayor and Councilors

A. Council

B. Mayor

XI. Adjournment

City of Brookings
Events Calendar

November 2004

November 2004						
S	M	T	W	T	F	S
7	1	2	3	4	5	6
14	8	9	10	11	12	13
21	15	16	17	18	19	20
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December 2004						
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19	20	21	15	16	17	18
26	27	28	22	23	24	25

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 9:00am CC-Election drop box-Connie-247-3297 9:30am CC- VIPS/Volunteers in Police Service/Marvin Parker 7:00pm FH-FireTng/ChShrp (Fire Hall)	2 7:00am CC-election drop box-Connie 247-3297 8:30am CC-Investigator/Patrol Information Sharing Meeting-Barbara Palick 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 7:00pm CC-Planning Commssn	3 12:00pm Connity Agencies mtg (Chetco Sr.Center) 2:00pm Brian Bullock /View Plan Com Mtg video 7:00pm FH-PoliceReserves	4 8:15am CC-CmtyDevDpt Staff mtg/LLightle 9:00am CC-Crm Stoppers 10:00am CC- Site Plan Com Mtg/LauraLee Gray	5 1:00pm CC JOHN BISHOP - ORAL BOARDS	
6 LOC	7 12:00pm Pelican Bay Telecommunications-CC 7:00pm FH-FireTng/ChShrp (Fire Hall)	8 9:00am Sound System In CC 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	9 10:00am CC - VIPS Pepper Spray Class for Members 2:00pm CC-EDC Downtown subcommittee meeting-	10 8:00am City Hall CLOSED - Veterans Day Holiday	11 1:00pm Planning Committee	12
	13 9:00am CC-Municipal Court/ JdgHarper 9:30am CC-VIPS/Volunteers in Police Service-BPalicki 10:30am CCLeo Lightle- Preconstruction Mtg with 7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	14 8:30am CC-Investigator/Patrol Information Sharing Meeting-Barbara Palicki-X217 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 10:00am FH-Surburban Fire District-Phil Cox-469-5729	15 2:00pm CC-EDC subcommittee-Downtown Development meeting-Ed Wait	16 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Economic Development Committee-Ed Wait, Dianne Snow	17 8:00am CC-Patrol meeting-Lt. Jess Oliver	18
	19 7:00pm FH-FireTng/ChShrp (Fire Hall)	20 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	21 2:00pm CC-EDC subcommittee-Downtown Development meeting-Ed Wait	22 8:00am City Hall CLOSED - Thanksgiving Holiday	23 8:00am City Hall CLOSED - Holiday	24
	25 7:00pm FH-FireTng/ChShrp (Fire Hall)	26 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)				27
						28
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						31

CC-Council Chambers
FH-Fire Hall

City of Brookings
Events Calendar

December 2004

December 2004

S	M	T	W	T	F	S
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January 2005

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30	31					

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			December 1 12:00pm Comnity Agencies mtg (Chetco Sr.Center) 2:00pm CC-SafetyComMtg/ Kathy Dunn 7:00pm FH-PoliceReserves	2 8:15am CC-CmtyDevDpt Staff mtg/LLightle 9:00am CC-Crm Stoppers 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Parks and Recreation Commission	3	4
5 5:00pm Azalea Park Lights Night Sponsored by City of Brookings	6 9:30am CC- VIPS/Volunteers In Police Service/Marvin Parker 7:00pm FH-FireTng/ChShrp (Fire Hall)	7 8:30am CC-Investigator/Patrol Information Sharing Meeting-Barbara Palicki-X217 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 7:00pm CC-Planning Commssn	8 6:00pm CC-Victim's Impact Panel-Mindy, Curry Prevention Services-247-2412	9 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Economic Development Committee-Ed Wait, Dianne Snow	10	11
12	13 7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	14 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	15	16 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Parks and Recreation Commission	17	18
19	20 8:00am CC-DPSST Ethics Class-John Bischof 9:00am CC-Municipal Court/ JdgHarper 9:30am FH-VIPS/Volunteers In Police Service-BPalicki 6:00pm CC-American Red Cross Mtg/Karen Degenals 7:00pm FH-FireTng/ChShrp (Fire Hall)	21 8:30am CC-Investigator/Patrol Information Sharing Meeting-Barbara Palicki-X217 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 10:00am FH-Surburban Fire District-Phil Cox-469-5729	22 2:00pm CC-EDC subcommittee-Downtown Development meeting-Ed Wait	23 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Parks & Rec Comm/ LBlodgett	24 City Hall Closed- Christmas Day Holiday	25
26	27 7:00pm FH-FireTng/ChShrp (Fire Hall)	28 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	29	30 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray	31	

CITY OF BROOKINGS



STAFF REPORT

Date: November 9, 2004
To: Mayor Hagbom & City Councilors
From: Leroy Blodgett, City Manager
Subject: Bio-Solids

REPORT

As you know there are some local citizens concerned about land application of biosolids from the city wastewater treatment plan on the Keith Smith ranch. The main concern seems the proximity of the City's water system to the fields used for biosolids application. The City's water source is a Ranney well located about 300 feet down river from the nearest field. The water is pulled from the ground approximately 35 feet deep. A little more detailed description of a Ranney well system is attached to the end of this report.

On September 29th Representative Krieger requested representatives of DEQ meet with some of those concerned citizens. The DEQ representatives explained the process of land application and then visited the site. Because of the public concern, and that the City's permit is up for renewal, DEQ agreed to review the practice to determine if there is any environmental concern. A letter from DEQ to the concerned citizens is attached. Over the past two years there has been one violation of the permit. The permit allows land application from May 1st through October 31st as long as the ground water is at least 48 inches below the surface. In late April, 2004, biosolids were applied. The ground water was well below the required depth, but was still a violation. DEQ had been notified, there was no environmental damage, and staff will make sure this does not happen in the future.

We and DEQ have also discussed the land application process with the Department of Human Services (DHS), which regulates the drinking water program. DHS has reviewed past records of testing from the City's drinking water and saw no indication of metals or other contaminations. In fact, you may remember in earlier discussion that DHS determined there is no need for treatment because of the high quality of the water.

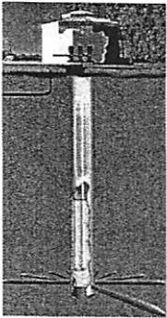
So what are we doing now? There do not seem to be any real water quality or environmental issues with the current practice of land application. However, there are still concerned citizens. Staff is currently working with representatives of South Coast Lumber to see if there are any other potential sites. It is difficult to find sites in the area because of the sloping terrain, but we

will look at every potential site. We are gathering information regarding biosolids used in composting. Grants Pass is using this method of disposal. I have learned from their city officials that the cost is much higher, but the citizen concern is much lower. We have asked DEQ for other ideas and will research anything which looks promising.

STAFF RECOMMENDATION

This is information only. Staff is not recommending any action at this time.

How a Ranney Method® Well Works



A Ranney® Collector Well or Radial Horizontal Collector Well operates hydraulically, similar to a vertical well. The lateral well screens are installed near the bottom of the formation, so more of the saturated thickness of the aquifer can be used. Since these well screens are horizontally positioned, much longer screen lengths can be installed, reducing the velocity of the water entering the screen slots and maximizing well efficiency.

This reduced velocity also minimizes head losses and slows the rate of plugging, extending the intervals between scheduled maintenance. The well pumps are installed in the central caisson, allowing usage of larger and more energy-efficient pumps and motors. This further reduces O & M requirements and costs.

Properly installed Ranney Collector Wells near surface water sources can be operated to induce surface water recharge of ground water. The stream bottom sediments and aquifer materials filter the recharged water. Because of slow infiltration rates and pore size of the aquifer material, turbidity and pathogen removal can be significant. Additionally, organic degradation occurs at the water / sediment interface. The US EPA notes that a Ranney Collector "has the advantage of being the most environmentally sound intake system because it does not have any direct impact on the waterway."

Riverbank filtration can replace / support other water treatment while:

- Reducing treatment residuals by removing particulates / turbidity
- Reducing operation and maintenance costs
- Attenuating rapid changes in water quality & temperature
- Eliminating bacteria and zebra mussels

CITY OF BROOKINGS



STAFF REPORT

Date: November 10, 2004
To: Mayor Hagbom & City Councilors
From: Leroy Blodgett, City Manager
Subject: Burning Ban Exemption

REPORT

Last month City Council approved a staff recommended policy that essentially bans all commercial burning. When this was recommended some implications were overlooked. One of them is campfires and brush burning in the State Parks. The campfires are expected by visitors using the State Park facilities and the brush is burnt as part of maintenance similar to a private property owner. Staff has questioned whether this is commercial burning or private burning. However, to clarify the issue staff is recommending the State Parks be exempt from the commercial burning policy

STAFF RECOMMENDATION

Exempt Oregon State Parks from the commercial burning ban policy for campfires and burning brush generated within the park.

TO: Mayor and City Council
FROM: John Bischoff, Planning Director
THROUGH: Leroy Blodgett, City Manager
DATE: November 9, 2004



Issue: Approval of a quitclaim deed.

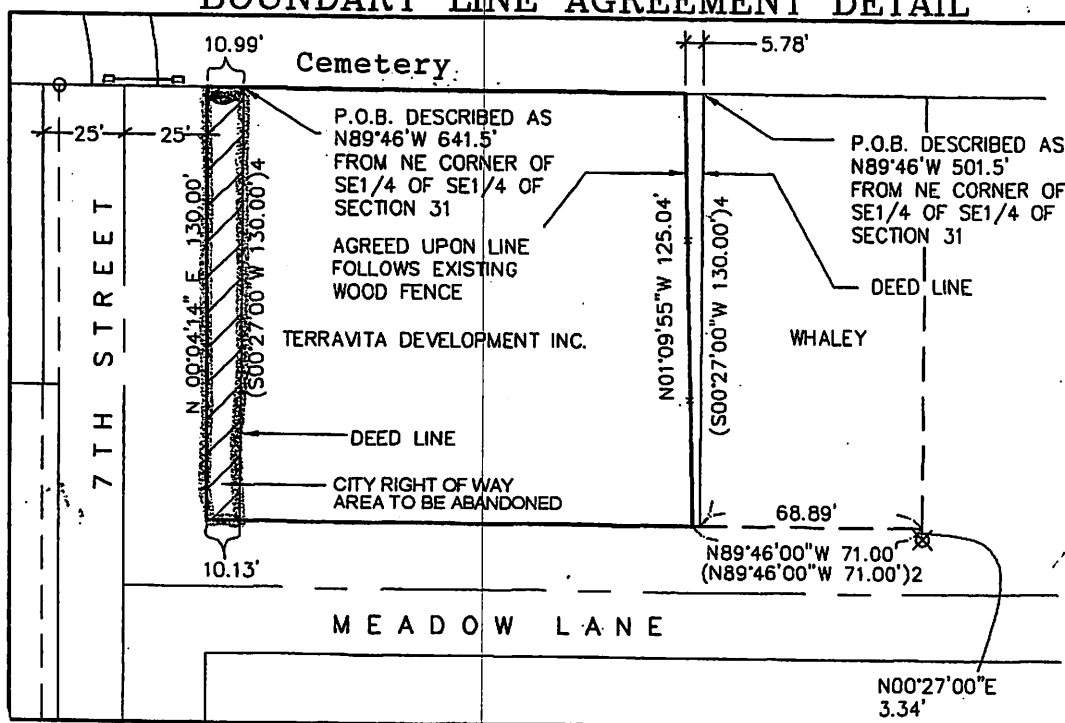
Background: The subject property is located in the northeast corner of Seventh St. and Meadow Ln. adjacent to the northerly city limits. On the attached plot plan, the hash marked area is the area of concern. The subdivision in which the Terravita parcel is located, the Lily Guard Subdivision, was originally surveyed from the east from the Northeast corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 31. The right-of-way for Seventh St. was created prior to the Lily Guard Subdivision and was surveyed from a $\frac{1}{4}$ corner to the west, which is described in two locations about 15 feet apart and the $\frac{1}{4}$ corner furthest west was used as the reference for the Seventh St. right-of-way.

The result is that the street right-of-way is $10\pm$ feet further west than the westerly property line of the Terravita parcel, leaving a 10 foot wide gap as shown between Seventh St. and the westerly property line. The city has a full 50 feet of right-of-way for Seventh St. without this 10 foot gap that only exists because of a former survey decision to use a particular $\frac{1}{4}$ corner to the west.

To resolve any confusion over the existence of the "gap" and its ownership, staff has created a quitclaim deed to transfer any interest the city may have in this gap to Terrivita Development, Inc.

Recommendation: Staff is recommending that the quit claim deed be approved.

BOUNDARY LINE AGREEMENT DETAIL



After recording,
return to: City of Brookings
898 Elk Drive
Brookings, OR 97415

Consideration: No monetary consideration

QUITCLAIM DEED
(For Relinquishment of Right of Way Conveyance)

The City of Brookings, Oregon, a municipal corporation, for other value given, releases and quitclaims to TERRAVITA DEVELOPMENT, INC., an Oregon corporation, its heirs, successors and assigns; all right, title and interest in the following described real property situated in the County of Curry, State of Oregon and described as follows:

A parcel of land lying in the Southeast Quarter of the Southeast Quarter of Section 31, Township 40 South, Range 13 West, Willamette Meridian, City of Brookings, Curry County, Oregon, more particularly described as follows:

COMMENCING at the Northeast corner of said Southeast Quarter of the Southeast Quarter of Section 31, said point being a 1½" iron pipe marking the Initial Point of Meadow Woods Subdivision Phase 1;

thence along the locally accepted North boundary of said Southeast Quarter of the Southeast Quarter of Section 31, North 89°46'00" West 641.50 feet to the Northwest corner of that parcel conveyed to Terravita Development Inc., an Oregon Corporation, and the TRUE POINT OF BEGINNING;

thence along the West line of said Terravita Parcel, South 00°27' 00" West 130.00 feet;

thence North 89°46'00" West 10.13 feet to a point on the Easterly right of way line of Seventh Street, a 50 foot wide roadway, as shown on Partition Plat 1994-34 and Partition Plat 1995-25;

thence along said right of way line, North 00°04'14" East 130.00 feet to a point on the locally accepted North boundary of said Southeast Quarter of the Southeast Quarter of Section 31;

thence South 89°46'00" East 10.99 feet to the POINT OF BEGINNING.

The purpose of this document is to quitclaim the City of Brookings' right and interest in the described property to Terravita Development, Inc. and thereby correct a discrepancy in the deeded right of way. The City intends to convey that portion of the right of way that was conveyed to the City by Jack and Grace Lillegard, Harold and Helvi Lillegard, Volume 48, Page 217, January 23, 1956 and that portion of the right of way that was conveyed to the City by P.J. and Ella A. Lesmeister, Volume 48, Page 206, February 4, 1956, which falls outside (East) of a 50 foot strip of land as surveyed for the parcels along the West right of way of Seventh Street.

The City intends to retain all of its right, title and interest in its 50 foot right-of-way.

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 CITY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS WHEREOF, the City of Brookings has duly executed this instrument this _____ day of _____ 2004.

Bob Hagbom, Mayor

STATE OF OREGON)
) ss.
County of Curry)

The foregoing was acknowledged before me the _____ day of _____ 2004, by
Bob Hagbom Mayor of the City of Brookings

Notary Public for Oregon

**CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
October 25, 2004 7:00 p.m.**

I. Call to Order

Mayor Bob Hagbom called the meeting to order at 7 p.m.

II. Pledge of Allegiance

Led by Fire Chief Bill Sharp

III. Roll Call

Council Present: Mayor Bob Hagbom, Council President Rick Dentino, Councilors Frances Johns Kern, Craig Mickelson, and Larry Anderson, and Ex Officio Councilor Wes Enos. A quorum was present.

Council Absent: None

Staff Present:

City Manager Leroy Blodgett, City Attorney John Trew, Community Development Director Leo Lightle, City Planner John Bischoff, Assistant Planner Dianne Snow, Fire Chief William Sharp, Administrative Secretary Linda Barker, and Interdepartmental Aide Jan Krick

Media Present: Curry Coastal Pilot Reporter Brian Bullock

Other:

Approximately twelve other citizens

Councilor Anderson moved, a second followed, to add an Agenda Item regarding Resolution 04-R-733 for the extension of fiber optics to the Water Treatment Plant. The motion carried.

IV. Scheduled Public Appearances

- A. *Kathy Hafterson was scheduled to report on the Summer Recreation Program. However, Kathy was not in attendance and no report was given.*

V. Oral Requests and Communications from the Audience

A. *Committee and Liaison Reports*

1. Council Liaisons

Councilor Craig Mickelson reported that he attended the Back to School Breakfast, and the Community Agency Meeting at the Senior Center on Wednesday on September 1; he helped with registration at the Salmon Derby at the Port of Brookings Harbor on September 3; attended Brookings Planning Commission meeting on September 7, the Community Development meeting held September 9, and a community meeting at the Library for the retention and replacement of trees within the community on September 16; attended Chamber of Commerce After Hours of September 24; attended Curry County Commerce Workshop on September 29; attended Coos Curry Douglas Development Corporation's meeting in Gold Beach with City Manager Leroy Blodgett (the major issue of the meeting was the lack of loan requests over the past quarter) held on September 30; participated in League of Women Voters Forums in Gold Beach, Port Orford, and Brookings on October 5, 6, and 7; attended Chamber of Commerce Marketing and Promotions meeting held October 11; and attended Chamber of Commerce After Hours October 15.

Councilor Frances Johns Kern attended the Chamber of Commerce Monthly Forum and the Pelican Bay Prison Oversight Committee.

Rick Dentino attended Pelican Bay Telecommunications Corporation Board of Directors meeting; the Chambers of Commerce Monthly Forum and Mixer at the Sutter Coast Health Care Center; was present at the Memorial for Marine Corps League member Joe Ochsie at the Brookings Masonic Lodge Hall; participated in SMART reading program at Kalmiopsis Elementary School; attended a meeting of the District 17-C administration, city officials, and American Red Cross local chapter.

Councilor Larry Anderson attended the recent Watershed Committee Meeting, and two local School Board meetings.

Ex Officio Councilor Wes Enos reported that Homecoming Week was very successful with the traditional bonfire, parade, football game (which the Bruins won), and dance. All went well and many people said this was the best Homecoming event ever. In sports, the boys' soccer team took first place, the girls' soccer team finished in second place, and the Bruins' volleyball team had a great season. Bruins Day at the high school went very well.

Mayor Hagbom reported that he has been "playing hooky" (traveling) and therefore had no activities to report.

B. Unscheduled - None

VI. Public Hearing

A. *Continuation of Planning Commission File No. APP-2-04, an appeal of the Planning Commission's approval of a Planned Unit Development to create 36 condominium units on a 9.09 acre parcel of land located at the northerly end of Timberline Drive; Assessor's Map 40-13-31CA, Tax Lot 900 zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) and Assessor's Map 40-13-31CD, Tax Lot 4900 zoned R-1-10 (Single Family Residential, 10,000 sq. ft. minimum lot size); Bruce Brothers, LLC, applicant, Debbie Hodges, appellant*

The public hearing reconvened at 7:08 p.m. City Attorney Trew reminded the Council that at the last meeting the record was left open to receive additional written testimony from the appellant. No further testimony was received from the appellant during that time; therefore no response from the applicant Bruce Brothers was necessary. The applicant waived its right to seven additional days in which to submit written evidence.

Councilor Anderson brought to the attention of Council Section 156.030 of the Land Development Code which describes the appeal procedures. Anderson noted that that section offers other alternatives, such as referral back to the Planning Commission.

Anderson read Section 156.030 to the Council, and explained that this is important because options other than to deny or to approve are available. Trew responded that even though Oregon state statutes on land use were passed after our ordinance was adopted, they supercede our code. Anderson's interpretation is, however, essentially correct. Council discussion ensued.

Anderson questioned why construction activity started when the land use process had not been completed. He also mentioned Land Development Code Section 100, Hillside Development. Further discussion points centered on DEQ permits and stop work orders.

Anderson moved, and a second followed, to refer APP-02-04 back to the Planning Commission per Section 156.030 of the Land Development Code, specifically: 1) to make a determination of the status of Section 116.100; and 2) to develop a report to send back to the council.

The Council recessed at 7:26 p.m. to allow staff to review time requirements for land use applications. The meeting reconvened at

7:31 p.m. Trew advised the Council that, under Oregon state law, governments are required to act within 120 days of a land use application. Approving Anderson's motion could put the City past the time limit and subject the City to legal action by the developer. Anderson withdrew his motion; the second was also withdrawn.

Anderson moved, a second followed, and the Council voted 4-0 with one abstention (Mayor Hagbom) to reverse the order of the Planning Commission, denying the application of a Planned Unit Development to create 36 condominium units on a 9.09 acre parcel of land located at the northerly end of Timberline Drive (PUD-2-04), and supporting the appeal (APP-02-04).

Planning Director John Bischoff asked which conditions caused the denial so that he can write the Final ORDERS and Findings of Fact. Councilors cited safety concerns, community impact, hillside development regulations, and land use compatibility.

- B. *Planning Commission File No. APP-3-04, an appeal of the Planning Commission's approval of a variance to allow a 5 foot side yard setback for a building on a flag lot within the R-1-6 (Single Family Residential 6,000 sq. ft. minimum lot size) Zone; Brian Woosley, applicant, Patrick and Susan Dodgen, appellant*

City Attorney Trew read procedures for quasi-judicial hearings into the record. Mayor Hagbom opened the public hearing at 7:53 p.m. Councilors Anderson and Dentino declared ex parte contact as a result of a site visit. No councilor declared personal bias and no one in the audience objected to the jurisdiction of the Council to hear this matter.

Planning Director John Bischoff presented the staff report. Councilors asked about the circumstances that allowed a building to be constructed within the required setbacks, and any remedies the applicant attempted. Bischoff responded that the application for construction was signed off with incorrect setbacks listed. The roofline was redesigned to attempt to correct the setback infraction.

Testifying in support of the appeal was the appellant Patrick Dodgen, 905 Barbra Lane. Dodgen supplied two photos and an overhead drawing of the buildings affected and these were marked Exhibits A-1, A-2, and A-3. The appellant answered questions from the council.

No representatives of the Planning Commission addressed the council. No one spoke in support of or in opposition to the appeal.

The applicant, Brian Woosley, 912 Easy Street testified next. The applicant answered questions from the council. Further testimony was made by George B. Lamb III, 914 Easy Street.

The public hearing was closed at 8:40 p.m. The applicant waived his right to seven additional days to submit written testimony.

Council discussion ensued.

At 8:50 p.m. the council went into executive session pursuant to ORS192.660 (2)(h). The Council meeting reconvened at 8:56 p.m.

Councilor Dentino moved to deny the application for a variance, overturning the Planning Commission's decision. A second followed. Voting for the motion were Councilors Dentino and Johns Kern; voting against were Mickelson, Anderson, and Hagbom. Motion failed.

Councilor Mickelson made a motion to accept the Planning Commission's recommendation to approve the variance, and it was seconded. Councilors Mickelson and Anderson, and Mayor Hagbom voted for the motion; Councilors Dentino and Johns Kern voted against. The motion carried.

VII. Staff Reports

A. Fire Department

1. Open Burning Regulations

Fire Chief Bill Sharp read from a staff report a proposal to permanently end commercial burning in Brookings, citing concerns about large land clearing and commercial burning of debris.

This fire season, the City did not allow commercial burning, and it is staff's recommendation to continue this policy on a permanent basis. Martin Apps with DEQ, 340 Front Street, Coos Bay spoke in favor of the commercial burn ban.

Councilor Dentino moved, a second followed, and the council voted unanimously to abolish commercial open burns and construction burns within the city limits. The motion carried.

B. Community Development Department

- 1. Community Development Department Director Leo Lightle asked Council for authorization to award a contract for boring and placing conduit under Wharf Street and the parking lot at the Wastewater Treatment Plant. He offered background information**

and responses from three bids that were solicited for the work, and recommended that Council authorize awarding the project to Sporthaven Excavating, Inc. for \$6,850.

Questions by Council members followed.

A motion to award the project to Sporthaven Excavating, Inc. in the amount of \$6,850 was made by Frances Johns Kern and seconded. The motion carried.

2. Community Development Department Director Leo Lightle requested authorization from Council to award a contract for a multi-stage centrifugal sewage aeration compressor for mixing the two-million-gallon biosolids tank. Bids from three contractors were solicited and sufficient funds are available in the budget for this project.

Questions from Council were addressed by Mr. Lightle.

A motion was made by Councilor Larry Anderson, and seconded, to accept staff's recommendation and authorize award of the contract for a multi-stage centrifugal sewage aeration compressor for mixing the two-million-gallon biosolids tank to Gardner Denver Blower Division for \$34,717. The motion carried.

C. City Manager

1. *November and December City Council meeting dates:* City Manager Leroy Blodgett reported that it will be difficult to adhere to the regular meeting dates for Council meetings in November due to the LOC Conference in Portland and the Thanksgiving holidays. Further, the second regular meeting in December will fall during the Christmas holidays. Staff recommendation was to 1) hold one City Council meeting in November on the fifteenth, to cancel the December 27 meeting, and hold one meeting in December on the thirteenth. If issues come up that require city council attention, a special meeting can be held as necessary.

Councilor Rick Dentino moved, and it was seconded, to approve staff recommendation to hold regular City Council meetings on November 15, 2004, and on December 13, 2004. The motion carried.

2. *Fiber Optic:* City Manager Leroy Blodgett presented his report to the Council regarding the need to connect the communication systems at the Wastewater Treatment Plant and the Public Works Department to the City Hall system. He asked the Council to

accept a proposal from Charter Communications to install a wireless connection between City Hall and the Wastewater Treatment Plant via fiber optics, for the cost and specifications in the service contract with Charter outlined in the report. He recommended that Council accept the Charter Communications proposal and authorize the City Manager to sign a contract for services as proposed. Since there is not another provider for this service, the proposal could not go out to bid.

Following discussion by Council, Councilor Craig Mickelson moved to adopt Resolution 04-R-733 and it was seconded. The motion carried.

3. *Other*
City Manager Leroy Blodgett reported that the sound system in Council Chambers that has been bid and approved will be installed this week.

VIII. Consent Calendar

- A. Approval of Council Meeting Minutes
Councilor Larry Anderson moved, and it was seconded, to approve the Consent Calendar without objection.
 1. Council Meeting Minutes of October 11, 2004 were accepted into the Minutes.

End Consent Calendar

IX. Ordinances/Resolutions/Final Orders

- A. Final Orders
 1. *Final ORDER and Findings of Fact—In the matter of Planning Commission File No. MPD-1-04, a request for a Master Plan of Development; U.S. Borax, applicant*

City Planner John Bischoff presented his recommendation to adopt the Borax Final Order with attached Findings of Fact and Conditions of Approval, and the adoption by Council of Ordinance 04-O-565 amending the City of Brookings' Comprehensive Plan to add the Borax Master Plan as a separately bound document.

Councilor Larry Anderson made a motion, and it was seconded, to approve Findings of Fact with inclusions of modifications to Condition 23 and addition of Condition 30. The motion carried.

B. Ordinances

1. *Ordinance No. 04-O-565—In the matter of an Ordinance amending the Comprehensive Plan of the City of Brookings to incorporate the Lone Ranch Master Plan into Goal 14 as a separately bound document of the Plan.*

City Attorney Trew reminded Council that approval of a second reading by title only of MPD-1-04 was appropriate.

A motion was made, and seconded, for the Council to hear a second reading of MPD-1-04 by title only. The motion carried.

Councilor Dentino moved, and it was seconded, that Ordinance 04-O-565 be adopted to amend the City of Brookings' Comprehensive Plan to include the Borax Master Plan. The motion carried.

X. **Remarks from Mayor and Councilors**

- A. There were no additional remarks from the Mayor
- B. There were no additional remarks from the Council

XI. **Adjournment**

With no further business before it, the Council adjourned the meeting at 9:37 p.m.

Respectfully submitted:

Bob Hagbom
Mayor

ATTEST by City Recorder this ____ day of _____, 2004.

Paul Hughes
Finance Director/City Recorder

MINUTES
BROOKINGS PARKS AND RECREATION COMMISSION
City of Brookings 898 Elk Drive, Brookings
September 23, 2004

Call to Order

Chair Boynton called the meeting to order at 7:00 p.m. followed by the pledge of allegiance led by Brian Bullock.

Roll Call

Commissioners Present: Dave Gordon, April Gothard, Bill Boynton, Dori Blodgett, Tony Parrish, Pat Sherman, and Daryn Farmer.

Ex Officio Commissioner: Paul Cleary.

Staff Present: City Manager Leroy Blodgett, Councilor Frances Johns Kern; Dave Lentz, Parks Foreman-Public Works, and Cathie Mahon, Secretary.

Media: Brian Bullock for *The Pilot*.

There were approximately 10 people in the audience.

Minutes

Commissioner Dave Gordon made a motion to approve the minutes from the August 26, 2004, meeting. The Commission voted unanimously to approve the minutes as written.

PUBLIC APPEARANCES

BMX:

Two teenagers, Cody Miller, and Ernie Madrid, distributed with the concept of a BMX Bike Park at Bud Cross Park. They used an informational board with examples of what they would like to see built. Photographs of different BMX parks were displayed illustrating the area next to the Skate Park as the most desirable area for the BMX park. Photographs of different BMX parks were displayed on the bottom of the board. There was also a photo of the bike track in Grants Pass, one they would like to duplicate in Brookings. Cody and Ernie reported they had met with Ed Wait, Economic Director, and City Manager Blodgett to acquaint them with their concept and get their feedback.

Cody and Ernie are aware of the expense for the park and realize it will take time to plan and raise the money before the park can be constructed. They referred to the info board to discuss placement of the track, and where the rules would be posted. After checking with difference companies who build tracks, they would like to have *Dreamland Skate Company* do the construction, but again it depends on finances.

City Manager Blodgett suggested a planning committee be formed consisting of two commissioners, two citizens and Cody and Ernie.

Commissioner Dori Blodgett made a motion to give Chair Boynton the authority to find two (2) people who have an interest in serving on the committee. The motion

was unanimously approved. Commissioners Farmer and Gordon volunteered to be representatives from the Commission.

Brookings-Harbor Soccer League:

Ian Leonard distributed an 8-page packet. Enclosed was a copy of a proclamation signed by both Governor Kulongoski and President Bush, dedicating September as "Youth Soccer Month". Leonard wanted the commission to know how much the soccer teams appreciate their support. He reported the Brookings-Harbor youth league currently has thirty-one teams, thirty-one sponsors, and a membership of 380 children.

With the projected increase in participation, Leonard explained he was present to appeal making the gulley between the North Bank Field and Lundeen Lane (Azalea Park) into an athletic field. He stated the soccer association is often faced with the same challenge by adult softball, and that was finding fields for practice, playing, and tournaments. He stated converting this area into a field would be a real asset to the community, the location is centrally located, and there is plenty of parking areas. He concluded asking for the Commission's approval to pursue obtaining funding, grant writing, and coordinate a committee to oversee the project.

Dave Lentz, Parks Supervisor, had several issues. His main concern was irrigation questioning: would there be enough water and pressure to reach the new field? Commissioner Gordon volunteered to be on the committee. City Manager Blodgett stated it will be a couple years before we have to look at specifics but in the meantime we can continue to look at other avenues, particularly the schools. Blodgett said once the gulley area is filled and leveled we might be able to dedicate the field for multi-use. Leonard stated perhaps there can be a premier field and another area for the smaller kids.

Commissioner Dori Blodgett moved this new field be designated as a multiuse field when completed. Motion approved unanimously.

Chair Boynton thanked Mr. Leonard for his presentation. He stated the commission realizes more fields are needed and the commission will continue locating possible locations.

Azalea Park Foundation:

Hope Hanson, 97832 Titus Lane, informed the commission more volunteers are needed to help with the maintenance of the park. She explained she has volunteered for years but physically it is becoming more difficult to do the weeding, etc. Volunteers are needed to replace the folks that have moved away or physically cannot do the work. Her appeal is for more residents take an interest in volunteering for work parties, to continue the legacy of the original volunteers who have worked for many years to attain the present beauty and amenities the park affords the community.

Chair Boynton assured Mrs. Hanson that the commission will work on the problem.

COMMITTEE REPORTS

Stout Park: Commissioner Parrish had several items, the primary one being trash cans. He explained he found 30-gallon oil barrels to replace the Rubber Maid ones. With the start of school, more litter is tossed from Chetco and Oak streets to the schools.

City Manager Blodgett assured him the problem would be solved.

Parrish commented about the city spraying the weeds and did not want the spray to affect the azaleas. Parks Supervisor Lentz responded he is conscientious when he sprays so the chemicals do not affect flowers and bushes in the park.

Chetco Park: Commissioner Sherman reported she is following up with contacting science and art teachers from the school to inquire if there is interest in having the students become involved in doing projects at the park. She recently contacted the art teacher with the proposal of having the students submitting drawings for possible murals on the Wastewater Treatment building. Another idea is to have a project done by some science students.

Bud Cross Park and Softball Fields:

Commissioner Gordon reported the fields look good. He commented that Mr. Leonard's presentation of using the area by the gulley at Azalea Park, is a good one and would expand the number of fields.

Kidtown: Commissioner Dori Blodgett reported the park continues to look wonderful.

Easy Manor Park: Commissioner Gothard reported people are using the park but it is in dire need of repair.

Pool: Gothard reported the pool is undergoing repair construction.

STAFF ANNOUNCEMENTS/CONCERNS/FOLLOW-UP

Financial Report: No Discussion.

City Managers Report

City Manager Blodgett reminded the commissioners of the "Keep Brookings Clean-up" is scheduled for Saturday, October 2, 2004.

With no further business before the Commission, Commissioner Gordon moved the meeting be adjourned at 8:16 p.m.

Respectfully submitted,



Cathie Mahon
Recording Secretary

Approved by the Parks and Recreation Commission

10/28/04 (date)

MINUTES
BROOKINGS PLANNING COMMISSION
Regular Meeting
October 5, 2004

Chairman Gilmore called the meeting of the Brookings Planning Commission to order at 7:08 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	Ted Freeman
Bill Dundom	Bruce Nishioka
Randy Gorman	Bob Gilmore
Emilia Parada, Ex Officio Student Commissioner	

Commissioners Absent:

Commissioner Smith

Staff Present:

John Bischoff, Planning Director
Dianne Snow, Assistant Planner
Ed Wait, Economic and Urban Development Director
Cathie Mahon, Community Development Secretary

Media:

Curry Coastal Pilot reporter, Brian Bullock

Other:

Approximately 10 citizens in the audience.

CHAIRPERSON ANNOUNCEMENTS

The meeting did not promptly open at 7:00 p.m. to allow Chair Gilmore time to discuss several issues with the Planning Director. One of the items was a letter from Commissioner Smith who requested a letter he had written be read at the meeting (in his absence). It was decided his letter be read at the next meeting when he returns from his vacation.

MINUTES

By a 5-0-1 vote (motion: Commissioner Freeman; Commissioners Dundom, Freeman, Gorman, Nishioka and Collis voted in the affirmative; Commissioner Gilmore abstained due to absence at the meeting) the Planning Commissioner approved the minutes of the regular meeting on September 7, 2004.

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

None.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

The Planning Commission decided to postpone making a decision on File No. LDC-1-04. The file under consideration was:

Ordinance No.04-O-446.TT, titled "Section 54, Downtown Business (DB) District." This ordinance provides for permitted uses, building setback standards, and other requirements that are different than the existing C-3 Zone. The subject area includes the first tier of lots on the north side of Highway 101 (Chetco Avenue) to the north side of Railroad Street, and between Center Street on the west and Alder Street on the east. This is a City initiated amendment. The Planning Commission will make a recommendation to the City Council.

Discussion ensued because of the volume of material to study: 50+ pages of the *City of Brookings Downtown Master Plan*, and the 55 page *Downtown Brookings Master Plan: Implementation Tools & Resources*. (Note: staff overlooked attaching these two documents to the packet. Some commissioners received them a day before the meeting and others at the meeting). Several commissioners expressed additional time was needed before making a decision on the request.

Discussion ensued about adding LDC-1-04 to next month's agenda. Economic Director Wait approached the podium. He discussed the time element concerning the importance of having the zone district implemented before ODOT reconfigures Highway 101 in 2005.

1. By a 2-4 vote (motion: Commissioner Dundom; Commissioners Dundom and Freeman voted in the affirmative; Gorman, Gilmore, Collis and Nishioka voted in opposition) a motion was made to postpone the decision for File No. LDC-1-04 until the November 2, 2004, public hearing.
2. By a 6-0 vote (motion: Commissioner Dundom) the Planning Commission approved the motion to continue the hearing until October 19, 2004.

All members of the Commission declared ex parte due to familiarity to the area of concern in this case. 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:

Toni Mefford	17744 Hwy.101, #B101	Brookings,OR 97415
Judy Caplan	P. O. Box 4187	Brookings, OR
Richard Geraghty	P. O. Box 1459	Brookings, OR
Mike Anderson	P. O. Box 1235	Brookings, OR
Rick Bishop	P. O. Box 267	Brookings, OR

Chair Gilmore clarified the meeting scheduled in two weeks is for the "continuation" of File No. LDC-1-04, further clarifying more testimony can be made at that time.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON COUNTY REFERRALS

1. By a 6-0 vote (Motion: Commissioner Freeman) the Planning Commission will send a favorable recommendation to Curry County in the matter of File No. **CR-AD-0452**, a request for a conditional use permit to construct a 100 foot high monopole, telecommunications tower consisting of a 3-sector omni antenna with 4 antennas per sector, two of which are to be added in the future. A 20' x 11'6" equipment building will be located at the base of the tower. A total area occupied by the facility will be 60' x 50'. Location is on the west side of Carpenter Road at the intersection of Highway 101; Assessor's Map 40-14-25, tax lot 1305; property owner is South Coast Lumber Corp; applicant, Sharon Gretch for Nextel Communications.

The motion was amended to include the following recommended conditions:

- That the maximum height of the tower be held to 110 feet including antennas as per the applicant's submittal.
- That the county ensures that the fall line of the tower would not be across the actual travel way of Highway 101. The right-of-way in that area is 225 feet wide but where the actual travel way is located within the right-of-way should be located to determine if the tower poses a threat.

In the staff report the following recommendations were:

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

UNSCHEDULED PUBLIC APPEARANCES

None.

PLANNING DIRECTOR COMMENTS:

Bischoff reported the on two appeals:

- File No. **APP-2-04**, an appeal of the Planning Commission's approval of **PUD-2-04**, the Planned Unit Development of 36 condominiums, referred to as *Ransom Creek*, located at the north end of Timberline Drive; Bruce Brothers, applicant; Debbie Hodges, appellant. The Planning Commission made their decision on August 3, 2004. City Council heard the appeal on September 27, 2004; it was continued for further written testimony until October 25th at which time the City Council will make their decision.
- File No. **VAR-3-04**, a variance to allow a side yard setback of 5 feet in lieu of the required 10 feet for a garage building; located at 912 Easy Street; Brian Woosley, applicant; was heard and approved by the Planning Commission on September 7, 2004. **APP-3-04** is an appeal of that decision by Patrick Dodgen. The appeal will go before City Council on October 25, 2004.
- File No. **MPD-1-04**, the Lone Ranch Master Plan filed by Borax, was heard at the September 13th meeting. It has continued for additional written testimony to October 11, 2004, at which time City Council is expected to make a decision.

None.

Assistant Planner Snow explained she has been involved with the Downtown Development Committee. She said the two documents of the *Downtown Brookings Master Plan* are good reference tools to refer to when considering the request for the new zone district, *DBD, Downtown Business District*, File No. **LDC-1-04**. They are guidelines for development within that area of the city.

- **File No.CR-P-0409**, a request for a partition was approved by the County and included the condition for drainage suggested by the Planning Commission:

With no further business before the Planning Commission, the meeting adjourned at 9:03 p.m.

BROOKINGS PLANNING COMMISSION

R. E. Egan

R. Gilmore, Chairperson

MINUTES
BROOKINGS PLANNING COMMISSION
SPECIAL MEETING CONTINUATION
October 19, 2004

Chairman Gilmore called the meeting of the Brookings Planning Commission to order at 7:08 p.m. in the Council Chambers at the Brookings City Hall on the above date with the following Commission members and staff in attendance. The meeting was delayed until four commissioners were present for a quorum. Commissioner Freeman arrived at 7:26 p.m.

Commissioners Present:

Ted Freeman Bob Gilmore
Bill Dundom Bruce Nishioka
Randy Gorman

Commissioners Absent:

Commissioners Smith and Collis, and Emilia Parada, Ex Officio Student Commissioner

Staff Present:

John Bischoff, Planning Director
Dianne Snow, Assistant Planner
Ed Wait, Economic and Urban Development Director
Cathie Mahon, Community Development Secretary

Media:

Curry Coastal Pilot reporter, Brian Bullock

Other:

Approximately 5 citizens in the audience.

CHAIRPERSON ANNOUNCEMENTS

Chair Gilmore stated for the record the meeting was a continuation of File No. LDC-1-04 which was left open (from the October 5th meeting) to give commissioners more time to study the proposal and for additional testimony.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

1. By a 5-0 vote (motion: Commissioner Freeman) the Planning Commission will send a recommendation to City Council to approve an amendment to the city's Land Development Code to add a new zoning district, Ordinance No.04-O-446.TT, titled "Section 54, Downtown Business (DB) District." This ordinance provides for permitted uses, building setback standards, and other requirements that are different than the existing C-3 Zone. The subject area includes the first tier of lots on the north side of Highway 101 (Chetco Avenue) to the north side of Railroad Street, and between Center Street on the west and Alder Street on the east. City initiated amendment; File No. LDC-1-04.

The motion was amended to include the following recommendations as outlined by Assistant Planner Snow:

- Bed & Breakfasts-if decided it's an appropriate use, may add to allow outright as referenced in Section 54.020(B), Permitted Uses (Land Development Code).
- Car Dealerships: The existing two car dealerships and accompanying sales lots are "grandfathered" (a lawful, nonconforming use) within the zone. The two sites are located on contiguous parcels, both leased and owned totaling 125, 453 square feet on Chetco Avenue and Oak Street, and 58, 809 square feet on Wharf and Spruce Streets. Both businesses shall be limited to their existing square footage on contiguous parcels. Separation of parcels by a street does not render the parcels non-contiguous. Both businesses may move car dealerships and sales lots to another location as long as existing footage is not increased and all parcels are contiguous. If existing footage is reduced for a period beyond 6 months, no additional square footage may be added after that time.
- Addressing- Section 54.100 (F): Addresses shall be placed on the building, awning valance, or canopy in a manner to be clearly visible from the adjacent street, alley and sidewalk. *The locations shall be above the main pedestrian entrance and at the rear or side entrance.*
- Size of Plans-Section 54.120 (B): A plot plan of the property ~~drawn to scale and on a sheet no larger than 18 X 24 inches~~ showing the following: (note: the strike words were deleted.)

All five commissioners declared ex parte due to familiarity with the area of concern in this case. There was no challenge from the audience as to the jurisdiction of the Commission to hear the request.

Economic and Urban Development Director Wait fielded questions and comments regarding the request and the following participants:

Toni Mefford 17744 Hwy.101, #B101
Rick Bishop P. O. Box 267

Brookings, OR 97415
Brookings, OR

UNSCHEDULED PUBLIC APPEARANCES

None.

PLANNING DIRECTOR COMMENTS:

None.

PROPOSITIONS AND COMMISSIONERS COMMENTS

Commissioners Gorman, Dundum, and Freeman had three areas of concern for posting signs for traffic and pedestrian safety:

- Stop sign at Fern Street and Ransom.
- Stop sign at Velopa Court
- Sign posted-eliminate parking on one side of Pioneer

It was decided by both Planning Director Bischoff and Chair Gilmore to put those items on the November 2nd agenda for further discussion and possibly forward a memo to City Council.

ASSISTANT PLANNER COMMENTS:

None.

ADJOURNMENT:

With no further business before the Planning Commission, the meeting adjourned at 8:40 p.m.

Respectfully submitted,

BROOKINGS PLANNING COMMISSION

A handwritten signature in black ink, appearing to read 'R. Gilmore', is written over a horizontal line.

R. Gilmore, Chairperson



Agenda

City of Brookings
Economic Development Committee (EDC)
Downtown Development Subcommittee
Council Chambers 898 Elk Dr. November 10, 2004 2 p.m.

- I. Call to Order
- II. Minutes
 - 1. Review and approval of minutes of 9-8-04, 10-8-04 and 10-14-04.
- III. Staff Reports – updates and information
 - 1. Status of review for Downtown Business District (DBD)
 - 2. Update concerning ODOT parking study
- IV. Old Business
 - 1. Discussion of Tim Patterson's memo dated Oct. 5, 2004
- V. New Business
 - 1. Welcome signs
 - 2. Composition of Downtown Development Subcommittee
- VI. Next Meeting Date
- VII. Adjournment

Check Register - Summary Report
 GL Posting Period(s): 10/04 - 10/04
 Check Issue Date(s): 10/01/2004 - 10/31/2004

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10/04	10/05/2004	50170	1132	OR Department of Justice	10-00-2005	322.15
10/04	10/05/2004	50171	1742	OR Department of Justice	10-00-2005	307.93
10/04	10/05/2004	50172	2366	OR Department of Justice	10-00-2005	203.08
10/04	10/05/2004	50173	205	PERS Retirement	10-00-2005	11,521.38
10/04	10/07/2004	50174	800	American Red Cross	10-00-2005	11.50
10/04	10/07/2004	50175	150	Any Time Coffee Service	10-00-2005	85.92
10/04	10/07/2004	50176	342	Applied Industrial Technology	10-00-2005	255.18
10/04	10/07/2004	50177	2505	Aramark	10-00-2005	610.90
10/04	10/07/2004	50178	146	Bay West Supply, Inc	10-00-2005	128.51
10/04	10/07/2004	50179	138	Becco, Inc	10-00-2005	57.90
10/04	10/07/2004	50180	148	B-H Chamber of Commerce	10-00-2005	6,362.89
10/04	10/07/2004	50181	714	Brookings Signs & Graphics	10-00-2005	14.30
10/04	10/07/2004	50182	313	Brookings Vol Firefighters	10-00-2005	2,083.33
10/04	10/07/2004	50183	715	Budge McHugh Supply	10-00-2005	181.94
10/04	10/07/2004	50184		Information Only Check	10-00-2005	.00 V
10/04	10/07/2004	50185	1373	Cascade Fire Equipment	10-00-2005	10,822.19
10/04	10/07/2004	50186	2700	Certified Laboratories	10-00-2005	646.53
10/04	10/07/2004	50187	1840	Chetco Federal Credit Union	10-00-2005	3,330.00
10/04	10/07/2004	50188	2542	Crystal Fresh Bottled Water	10-00-2005	125.00
10/04	10/07/2004	50189	151	Curry Coastal Pilot	10-00-2005	1,172.90
10/04	10/07/2004	50190	2925	Dan Crofoot	10-00-2005	5.66
10/04	10/07/2004	50191	166	Dan's Auto & Marine Electric	10-00-2005	262.24
10/04	10/07/2004	50192	259	Da-Tone Rock Products	10-00-2005	646.38
10/04	10/07/2004	50193	185	Del Cur Supply	10-00-2005	90.05
10/04	10/07/2004	50194	316	Donald & Roberta Chandler	10-00-2005	548.00
10/04	10/07/2004	50195	2926	Emily Purdy	10-00-2005	53.17
10/04	10/07/2004	50196	153	Ferrellgas	10-00-2005	1,464.18
10/04	10/07/2004	50197	2081	Frances Johns Kern	10-00-2005	30.73
10/04	10/07/2004	50198	1749	Granich Engineering, Inc	10-00-2005	347.67
10/04	10/07/2004	50199	139	Harbor Logging Supply	10-00-2005	20.88
10/04	10/07/2004	50200	1082	Hilary Thompson	10-00-2005	26.40
10/04	10/07/2004	50201	2927	John & Barbara Sanbrook	10-00-2005	4.65
10/04	10/07/2004	50202	155	Mory's	10-00-2005	59.07
10/04	10/07/2004	50203	1844	My-Comm, Inc	10-00-2005	96.50
10/04	10/07/2004	50204	2011	Nash Elmo Industries, llc	10-00-2005	4,025.00
10/04	10/07/2004	50205	334	North Coast Electric	10-00-2005	262.47
10/04	10/07/2004	50206	2830	Northern Professional Equip	10-00-2005	34.82
10/04	10/07/2004	50207	2283	NW Technical Internet Service	10-00-2005	21.95
10/04	10/07/2004	50208	177	Oregon Medical Laboratories	10-00-2005	112.50
10/04	10/07/2004	50209	859	Paul Conway Shields	10-00-2005	834.00
10/04	10/07/2004	50210	322	Postmaster	10-00-2005	586.00
10/04	10/07/2004	50211	2924	PRBO Conservation Science	10-00-2005	18.64
10/04	10/07/2004	50212		Information Only Check	10-00-2005	.00 V
10/04	10/07/2004	50213	1193	PRN Data Services, Inc	10-00-2005	13,965.00
10/04	10/07/2004	50214	1029	Purchase Power	10-00-2005	35.00
10/04	10/07/2004	50215	207	Quill Corporation	10-00-2005	65.61
10/04	10/07/2004	50216	180	Ray's Food Place	10-00-2005	157.54
10/04	10/07/2004	50217	199	Richard Harper	10-00-2005	300.00
10/04	10/07/2004	50218	380	Stadelman Electric	10-00-2005	138.60
10/04	10/07/2004	50219	2254	Sunny Wheatley	10-00-2005	208.42
10/04	10/07/2004	50220	2577	SuppliesUSA.com, Inc	10-00-2005	764.97
10/04	10/07/2004	50221	142	Tidewater Contractors Inc	10-00-2005	133.75
10/04	10/07/2004	50222	179	Trew, Cyphers & Meynink	10-00-2005	3,216.00
10/04	10/07/2004	50223	170	Umpqua Research Co	10-00-2005	1,129.50
10/04	10/07/2004	50224	990	United Parcel Service	10-00-2005	58.25

M = Manual Check, V = Void Check

Check Register - Summary Report
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 Check Issue Date(s): 10/01/2004 - 10/31/2004

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10/04	10/07/2004	50228	157	Viking Office Products	10-00-2005	.00 V
10/04	10/07/2004	50229	253	Xerox Corporation	10-00-2005	389.83
10/04	10/07/2004	50230	440	Jess Oliver	10-00-2005	143.60
10/04	10/11/2004	50231	205	PERS Retirement	10-00-2005	173.00
10/04	10/14/2004	50232	390	APCO International	10-00-2005	679.37
10/04	10/14/2004	50233	1991	Cal-Ore Life Flight	10-00-2005	105.00
10/04	10/14/2004	50234	2215	Chetco Medical Center	10-00-2005	30.00
10/04	10/14/2004	50235	1745	Coastal Paper & Supply, Inc	10-00-2005	100.00
10/04	10/14/2004	50236	183	Colvin Oil Company	10-00-2005	42.50
10/04	10/14/2004	50237	182	Coos-Curry Electric	10-00-2005	2,244.32
10/04	10/14/2004	50238	1801	Cop Shop Etc	10-00-2005	2,091.05
10/04	10/14/2004	50239	195	Curry Transfer & Recycling	10-00-2005	11.45
10/04	10/14/2004	50240	185	Del Cur Supply	10-00-2005	553.02
10/04	10/14/2004	50241	2827	Dianne Snow	10-00-2005	77.00
10/04	10/14/2004	50242	2729	DJC	10-00-2005	25.00
10/04	10/14/2004	50243	2920	Driftwood Tack & Western Wear	10-00-2005	705.25
10/04	10/14/2004	50244	2173	Equapac	10-00-2005	345.00
10/04	10/14/2004	50245	2929	Eusebia Padilla	10-00-2005	4,140.19
10/04	10/14/2004	50246	2838	Ferguson Pump Division	10-00-2005	1.21
10/04	10/14/2004	50247	119	Gall's Inc	10-00-2005	174.99
10/04	10/14/2004	50248	2109	Granite Construction Co.	10-00-2005	87.96
10/04	10/14/2004	50249	198	Grants Pass Water Lab	10-00-2005	354.11
10/04	10/14/2004	50250		Information Only Check	10-00-2005	160.00
10/04	10/14/2004	50251	131	HGE, Inc	10-00-2005	.00 V
10/04	10/14/2004	50252	1699	Imagistics	10-00-2005	28,055.18
10/04	10/14/2004	50253	126	John Bischoff	10-00-2005	393.51
10/04	10/14/2004	50254	2216	John Rapreager Inc	10-00-2005	25.00
10/04	10/14/2004	50255		Information Only Check	10-00-2005	1,638.65
10/04	10/14/2004	50256		Information Only Check	10-00-2005	.00 V
10/04	10/14/2004	50257		Information Only Check	10-00-2005	.00 V
10/04	10/14/2004	50258		Information Only Check	10-00-2005	.00 V
10/04	10/14/2004	50259		Information Only Check	10-00-2005	.00 V
10/04	10/14/2004	50260		Information Only Check	10-00-2005	.00 V
10/04	10/14/2004	50261	162	Kerr Hardware	10-00-2005	.00 V
10/04	10/14/2004	50262	1890	Marvin Parker	10-00-2005	1,163.57
10/04	10/14/2004	50263	2813	MJR Properties	10-00-2005	122.76
10/04	10/14/2004	50264	155	Mory's	10-00-2005	45.00
10/04	10/14/2004	50265	2931	Motel Saver	10-00-2005	21.08
10/04	10/14/2004	50266	2025	Numborg Scientific	10-00-2005	105.84
10/04	10/14/2004	50267	279	One Call Concepts, Inc	10-00-2005	307.50
10/04	10/14/2004	50268	252	Paramount Pest Control	10-00-2005	39.90
10/04	10/14/2004	50269	293	Petty Cash	10-00-2005	35.00
10/04	10/14/2004	50270	1893	Public Safety Center, Inc	10-00-2005	191.28
10/04	10/14/2004	50271	187	Quality Fast Lube & Oil	10-00-2005	318.33
10/04	10/14/2004	50272	2802	RDJ Specialties, Inc.	10-00-2005	34.50
10/04	10/14/2004	50273	169	Roto Rooter	10-00-2005	523.71
10/04	10/14/2004	50274	2238	The Hunting Shack	10-00-2005	175.65
10/04	10/14/2004	50275	135	The World	10-00-2005	447.28
10/04	10/14/2004	50276	273	Traffic Safety Supply Co, Inc	10-00-2005	764.16
10/04	10/14/2004	50277	136	United Pipe & Supply Co Inc	10-00-2005	250.04
10/04	10/14/2004	50278	1196	USF Reddaway	10-00-2005	1,037.44
10/04	10/14/2004	50279	991	Verizon Northwest	10-00-2005	296.26
10/04	10/14/2004	50280	861	Village Express Mail Center	10-00-2005	308.22
10/04	10/14/2004	50281	1483	Wall & Wall, P.C., CPA's	10-00-2005	16.98
						12,290.00

M = Manual Check, V = Void Check

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
10/04	10/14/2004	50282	2933	Water Environ Assoc of Ontario	10-00-2005	210.00
10/04	10/19/2004	50283	1881	AFLAC	10-00-2005	369.48
10/04	10/19/2004	50284	145	EBS Trust	10-00-2005	59.00
10/04	10/19/2004	50285	2767	Hooper, Englund & Weil, LLP	10-00-2005	295.75
10/04	10/19/2004	50286	910	OR Department of Justice	10-00-2005	115.38
10/04	10/19/2004	50287	1132	OR Department of Justice	10-00-2005	322.15
10/04	10/19/2004	50288	1742	OR Department of Justice	10-00-2005	307.93
10/04	10/19/2004	50289	2366	OR Department of Justice	10-00-2005	203.08
10/04	10/19/2004	50290	144	OR Teamster Employers Trust	10-00-2005	9,840.88
10/04	10/19/2004	50291	189	OR Teamster Employers Trust	10-00-2005	23,196.36
10/04	10/19/2004	50292	205	PERS Retirement	10-00-2005	11,916.18
10/04	10/19/2004	50293	214	Regence Life & Health Ins	10-00-2005	249.10
10/04	10/19/2004	50294	213	Teamsters Local Union 223	10-00-2005	660.00
10/04	10/21/2004	50295	2629	3PM/Lang	10-00-2005	18.95
10/04	10/21/2004	50296	1843	Action Industrial Systems	10-00-2005	814.00
10/04	10/21/2004	50297	630	AWWA	10-00-2005	213.00
10/04	10/21/2004	50298	1991	Cal-Ore Life Flight	10-00-2005	949.00
10/04	10/21/2004	50299	149	Carpenter Auto Center	10-00-2005	604.98
10/04	10/21/2004	50300	528	Caselle, Inc	10-00-2005	1,738.00
10/04	10/21/2004	50301	193	Central Equipment Co, Inc	10-00-2005	24.31
10/04	10/21/2004	50302	2937	Chester Estes	10-00-2005	7.59
10/04	10/21/2004	50303	1745	Coastal Paper & Supply, Inc	10-00-2005	241.15
10/04	10/21/2004	50304	182	Coos-Curry Electric	10-00-2005	4,626.08
10/04	10/21/2004	50305	151	Curry Coastal Pilot	10-00-2005	86.40
10/04	10/21/2004	50306	2827	Dianne Snow	10-00-2005	111.00
10/04	10/21/2004	50307	2117	Edge Wireless	10-00-2005	100.65
10/04	10/21/2004	50308	749	Emerald Pool & Patio	10-00-2005	52,770.00
10/04	10/21/2004	50309	346	Emerald Seed & Supply	10-00-2005	575.00
10/04	10/21/2004	50310	2921	Ferguson Enterprises - Medford	10-00-2005	1,748.30
10/04	10/21/2004	50311	967	Firehouse Magazine	10-00-2005	52.00
10/04	10/21/2004	50312	338	GC Systems Inc	10-00-2005	201.57
10/04	10/21/2004	50313	1008	H.F. Scientific Inc	10-00-2005	74.71
10/04	10/21/2004	50314	139	Harbor Logging Supply	10-00-2005	74.45
10/04	10/21/2004	50315	2935	Hewlett-Packard Company	10-00-2005	1,111.00
10/04	10/21/2004	50316	131	HGE, Inc	10-00-2005	2,610.80
10/04	10/21/2004	50317	307	Industrial Steel & Supply Inc	10-00-2005	134.20
10/04	10/21/2004	50318	2938	John & Linda Austin	10-00-2005	33.67
10/04	10/21/2004	50319	2216	John Rapreager Inc	10-00-2005	63,970.61
10/04	10/21/2004	50320	386	Lab Safety Supply Inc	10-00-2005	31.19
10/04	10/21/2004	50321	328	Les Schwab Tire Company	10-00-2005	1,205.03
10/04	10/21/2004	50322	2932	Lightning Powder Company	10-00-2005	81.30
10/04	10/21/2004	50323	2939	Love Griffith	10-00-2005	29.57
10/04	10/21/2004	50324	2940	McLennan Contractors LLC	10-00-2005	14,830.91
10/04	10/21/2004	50325	424	Munnell & Sherrill	10-00-2005	92.34
10/04	10/21/2004	50326	1960	National Fire Fighter Corp	10-00-2005	355.00
10/04	10/21/2004	50327	340	National Fire Protection Assn	10-00-2005	135.00
10/04	10/21/2004	50328		Information Only Check	10-00-2005	.00 V
10/04	10/21/2004	50329	2051	National Waterworks, Inc	10-00-2005	2,439.30
10/04	10/21/2004	50330	334	North Coast Electric	10-00-2005	536.45
10/04	10/21/2004	50331	1330	Northwest Uniforms, Inc	10-00-2005	657.00
10/04	10/21/2004	50332	427	Oregon Pacific Company	10-00-2005	375.00
10/04	10/21/2004	50333	695	P & S Construction	10-00-2005	2,992.50
10/04	10/21/2004	50334	1257	Portland Marriott Downtown	10-00-2005	4,053.41
10/04	10/21/2004	50335	2934	Ray & Vern Furtado	10-00-2005	42.78
10/04	10/21/2004	50336	2941	Richard Chapman	10-00-2005	27.49
10/04	10/21/2004	50337	2936	Ross Walton	10-00-2005	21.55
10/04	10/21/2004	50338	2640	The Dyer Partnership	10-00-2005	1,794.80

M = Manual Check, V = Void Check

Check Register - Summary Report
GL Posting Period(s): 10/04 - 10/04
Check Issue Date(s): 10/01/2004 - 10/31/2004

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
10/04	10/21/2004	50339	1648	Tourangeau Nor Wes Corp	10-00-2005	147.35
10/04	10/21/2004	50340	170	Umpqua Research Co	10-00-2005	692.20
10/04	10/21/2004	50341	138	United Pipe & Supply Co Inc	10-00-2005	546.00
10/04	10/21/2004	50342	991	Verizon Northwest	10-00-2005	231.57
10/04	10/21/2004	50343	157	Viking Office Products	10-00-2005	70.93
10/04	10/21/2004	50344	917	Wm. H. Reilly & Co	10-00-2005	10,149.95
10/04	10/25/2004	50345	2075	Oregon Division of State Lands	10-00-2005	97.32
10/04	10/28/2004	50346	2578	Action Trophies	10-00-2005	858.10
10/04	10/28/2004	50347	303	Associated Bag Company	10-00-2005	148.36
10/04	10/28/2004	50348	138	Becco, Inc	10-00-2005	98.00
10/04	10/28/2004	50349	193	Central Equipment Co, Inc	10-00-2005	99.29
10/04	10/28/2004	50350	183	Colvin Oil Company	10-00-2005	2,138.90
10/04	10/28/2004	50351	182	Coos-Curry Electric	10-00-2005	11,999.09
10/04	10/28/2004	50352	1801	Cop Shop Etc	10-00-2005	610.00
10/04	10/28/2004	50353	888	CRS	10-00-2005	925.00
10/04	10/28/2004	50354	173	Curry Equipment Company	10-00-2005	47.69
10/04	10/28/2004	50355	284	Day-Wireless Systems	10-00-2005	886.50
10/04	10/28/2004	50356	185	Del Cur Supply	10-00-2005	20.85
10/04	10/28/2004	50357	2623	Flow Control Engineering	10-00-2005	702.22
10/04	10/28/2004	50358	2109	Granite Construction Co.	10-00-2005	362.61
10/04	10/28/2004	50359	2943	Kim VanWinkle	10-00-2005	12.19
10/04	10/28/2004	50360	328	Les Schwab Tire Company	10-00-2005	215.42
10/04	10/28/2004	50361	311	Paramount Supply Company	10-00-2005	17.12
10/04	10/28/2004	50362	2351	Perrine Industrial Elect Inc	10-00-2005	4,536.03
10/04	10/28/2004	50363	187	Quality Fast Lube & Oil	10-00-2005	29.50
10/04	10/28/2004	50364	2944	Robert Wollam	10-00-2005	1.96
10/04	10/28/2004	50365	380	Stadelman Electric	10-00-2005	163.80
10/04	10/28/2004	50366	2577	SuppliesUSA.com, Inc	10-00-2005	217.46
10/04	10/28/2004	50367	2945	Tiara Goliaher	10-00-2005	16.33
10/04	10/28/2004	50368	136	United Pipe & Supply Co Inc	10-00-2005	81.65
10/04	10/28/2004	50369	108	VWR International Inc	10-00-2005	175.90
10/04	10/28/2004	50370	317	DCBS - Fiscal Services	10-00-2005	839.06
Totals:						<u>382,864.13</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

BUILDING DEPARTMENT ACTIVITIES SUMMARY

For the Month of: **October 2004**

No.	Building	Permit Fee	Plan Check Fee	Surcharge	SDF's	Value Current Month	No. to Date	Total to Date	No. Last Yr	Total Last Year
4	Single Family Dwelling	\$2,582.00	\$1,878.31	\$180.74	\$31,516.00	\$739,208.00	36	\$7,787,994.00	61	\$12,087,032.00
0	Single Family Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	27	\$658,968.00	26	\$1,330,602.00
2	Single Family Garage-Carport	\$326.00	\$211.91	\$22.82	\$0.00	\$49,076.00	11	\$249,926.00	10	\$117,090.00
1	Two Family Residential	\$920.50	\$598.33	\$64.44	\$12,768.00	\$294,464.00	7	\$2,396,932.00	9	\$2,217,282.00
0	Multi-Family Residential Apts	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	1	\$0.00	3	\$2,118,347.00
1	Commercial New	\$175.00	\$0.00	\$12.25	\$0.00	\$25,000.00	2	\$149,416.13	8	\$2,170,434.00
1	Commercial Addition-Change	\$17.50	\$11.38	\$1.23	\$0.00	\$1,000.00	13	\$227,464.00	22	\$1,264,739.00
0	Churches	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	3	\$439,000.00	1	\$318,008.00
0	School Repair-Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	Building Removal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	3	\$0.00	2	\$0.00
5	Misc.-Retaining Wall-Fence	\$139.50	\$57.86	\$9.77	\$0.00	\$12,141.00	14	\$205,071.00	5	\$13,664.00
14	Total Building Permits	\$4,160.50	\$2,557.79	\$291.24	\$44,284.00	\$1,120,889.00	117	\$12,114,771.13	147	\$21,637,196.00
8	Mechanical Permits	\$206.55	N/A	\$14.46	N/A	N/A	90	N/A	105	N/A
5	Plumbing Permits	\$285.60	N/A	\$19.99	N/A	N/A	45	N/A	76	N/A
0	Mfg Home Install - Permit Fee	\$0.00	N/A	\$0.00	N/A	N/A	1	N/A	3	N/A
0	Mfg Home Install - Administrative Fee	\$0.00	N/A	N/A	N/A	N/A	1	N/A	N/A	N/A
27	TOTAL PERMITS	\$4,652.65	\$2,557.79	\$325.69	\$44,284.00	N/A	254	N/A	331	N/A
	Total Year to Date Calculated Fees	\$48,359.42	\$32,482.68	\$3,413.09	\$380,775.00					
	2003 YTD Calculated Fees	\$80,175.07	\$51,776.95	\$5,672.26	\$460,583.44					

URBAN RENEWAL DISTRICT - BUILDING DEPARTMENT ACTIVITIES SUMMARY

For the Month of: **October 2004**

No.	Building	Permit Fee	Plan Check Fee	Surcharge	SDF's	Value Current Month	No. to Date	Total to Date	No. Last Yr	Total Last Year
0	Single Family Dwelling	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	2	\$706,336.00	4	\$1,500,229.00
0	Single Family Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	2	\$17,288.00	0	\$0.00
0	Single Family Garage-Carport	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	1	\$33,510.00	1	\$7,140.00
0	Two Family Residential	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	1	\$264,636.00	0	\$0.00
0	Multi-Family Residential Apts	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
1	Commercial New	\$175.00	\$0.00	\$12.25	\$0.00	\$25,000.00	2	\$149,416.13	4	\$202,663.00
0	Commercial Addition-Change	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	9	\$110,564.00	13	\$1,124,783.00
0	Churches	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	2	\$439,000.00	0	\$0.00
0	School Repair-Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	Building Removal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	Misc.-Retaining Wall-Fence	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	1	\$65,000.00	0	\$0.00
1	Total Building Permits	\$175.00	\$0.00	\$12.25	\$0.00	\$25,000.00	20	\$1,785,750.13	22	\$2,834,815.00
0	Mechanical Permits	\$0.00	N/A	\$0.00	N/A	N/A	9	N/A	9	N/A
0	Plumbing Permits	\$0.00	N/A	\$0.00	N/A	N/A	4	N/A	6	N/A
0	Mfg Home Install - Permit Fee	\$0.00	N/A	\$0.00	N/A	N/A	0	N/A	0	N/A
0	Mfg Home Install - Administrative Fee	\$0.00	N/A	N/A	N/A	N/A	0	N/A	0	N/A
1	TOTAL PERMITS	\$175.00	\$0.00	\$12.25	\$0.00	N/A	33	N/A	37	N/A
	Total Year to Date Calculated Fees	\$6,784.00	\$4,568.31	\$474.88	\$44,284.00					
	2003 YTD Calculated Fees	\$10,108.55	\$6,912.76	\$707.60	\$33,202.24					

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

In the matter of Planning Commission File No. PUD-2-04; an appeal of the Planning Commission's approval of a conditional use permit to establish a Planned Unit Development; Bruce Brothers, LLC, applicant, Debbie Hodges, Appellant.)) Final ORDER) and Findings of) Fact)
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ORDER denying an application for a Conditional Use Permit to establish a Planned Unit Development consisting of 36 condominium units located at the northerly terminus of Timberline Dr. at the intersection of Brooke Ln.; Assessor's Maps 40-13-31CA, Tax Lot 900, zoned R-1-10 (Single Family Residential, 10,000 sq. ft. minimum lot size) and Assessor's Map 40-13-31CD, Tax Lot 4900, zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size)

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 Section 116, Planned Unit Development Approval; 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. Such application is also required to show evidence that all of the following criteria for a planned unit development have been met:

- A. The applicant has, through investigation, planning and programming, demonstrated the soundness of his proposal and his ability to carry out the project as proposed, and that the construction shall begin within 12 months of the conclusion of any necessary actions by

- the city, or within such longer period of time as may be established by the Planning Commission.
- B. The proposal conforms with the Comprehensive Plan and implementing measures of the city in terms of goals, policies, location and general development standards.
 - C. The project will assure benefits to the city and the general public in terms of need, convenience, service and appearance sufficient to justify any necessary exceptions to the regulations of the zoning district.
 - D. There are special physical conditions or objectives of development which the proposal will satisfy so that a departure from standard zoning district regulations can be warranted.
 - E. That the project will be compatible with adjacent developments and will not adversely affect the character of the area.
 - F. The project will satisfactorily take care of the traffic it generates, both on and off-site, by means of adequate off-street parking, access points, and additional street right-of-way improvements.
 - G. That the proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create major problems or impacts outside the boundaries of the proposed development site.
4. 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 July 6, 2004 and August 3, 2004; and
5. 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 June 16, 2004 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 planned unit development 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 application in a public hearing at a regularly scheduled public meetings held on September 27, 2004, and October 25, 2004, 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 permit to establish a Planned Unit Development consisting of 36 condominium units in six – six unit buildings, with a seventh building as a recreational building, on a 9.09 acre parcel of land consisting of two tax lots located at the north end of Timberline Dr. at the intersection with Brooke Ln.
2. The subject property is zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) on one tax lot of 0.33 acres and R-1-10 (Single Family Residential, 10,000 sq. ft. minimum lot size) on an 8.76 acre Tax Lot. Both Tax Lots are designated as Residential by the Comprehensive Plan.
3. The area directly south of and adjoining the subject property is zoned R-1-6 and developed with single family homes on lots of at least 10,000 sq. ft. in size
3. Planned Unit Developments are a conditional use in the R-1 Zone and are implemented through Section 140, Conditional Use Permits and Section 116, Planned Unit Development Approval, of the Land Development Code.
4. Topographically slopes on the property range between 35 and 58% with the steeper slopes being adjacent to Ransom Creek.
5. Section 100, Hazardous Building Site Protection/Hillside Development, of the Land Development Code requires a grading and erosion control plan for all development on slopes of 15% or greater.
6. Trees and vegetation were removed from the site without benefit of an approved grading plan or erosion control plan.
7. The driveway providing access to the buildings is 20 feet wide, has a grade of 17% at one point and has a sharp “U” curve to access Building 1.
8. The applicant has submitted all the materials required by Sections 140 and 116 of the Land Development Code including a document addressing the criteria set forth for a conditional use permit and a planned unit development.
9. The appellant appealed the Planning Commission’s approval based on the attached materials dated September 27, 2004.

CONCLUSIONS

1. The materials submitted by the applicant have not shown that the proposed project is compatible with or can be made to be compatible with the surrounding, single family residential uses and approval of the project would generate impacts on the surrounding neighborhood that would not be generated by a detached single family home development on the same parcel, including traffic and noise and thus would detract from the character of the neighborhood.

2. The driveway accessing the buildings within the proposed project does not provide sufficient access and maneuverability for emergency vehicles, particularly fire trucks, due to the steep grade and the sharp turn in the southerly portion of the project.
3. As required in Criterion "C" of the criteria for a Planned Unit Development, the materials submitted by the applicant does not show that there is a particular benefit to the city in approving a PUD on the subject property.

LET IT FURTHER BE OF RECORD that the City Council denied the requested Conditional Use Permit for a planned unit development.

Dated this 15th day of November 2004.

Bob Hagbom, Mayor

ATTEST:

John C. Bischoff, Planning Director

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

In the matter of Planning Commission File No.)	
APP-3-04; an appeal of the Planning Commission's)	
approval for a side yard setback variance, File No.)	Final ORDER
VAR-3-04; Brian Woosley, applicant, Patrick and)	and Findings of
Susan Dogen appellant.)	Fact

ORDER approval of an application for a variance to allow a 5 foot side yard setback for a detached garage building on a 13, 068 sq. ft.± lot located on the north side of Easy St. approximately 240 feet west of Fifth St.; identified as Assessor's Map 41-13-6AB, Tax Lot 1500 zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size).

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with Section 136, Variances, 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 September 7, 2004; and

3. Recommendations were presented by the Planning Director in the form of a written Staff Agenda Report dated August 16, 2004, 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 approved the request for the subject application and directed staff to prepare a Final ORDER and Findings of Fact to that affect.

5. The Brookings City Council duly considered the above described application in a public hearing at a regularly scheduled public meeting held on October 25, 2004, 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, upheld the Planning Commissions approval; and

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

FINDINGS

1. The applicant is requesting a variance to allow a detached garage to be located on a flag lot with a 5 foot side yard setback.
2. Section 112, Rear Yard Development of the Land Development Code, requires buildings on a flag lot to have a minimum setback of 10 feet from all property lines.
3. The applicant received a building permit for the garage in June of 2002. At that time the fact that the lot was a flag lot was not recognized when the building permit application was reviewed.
4. In a non-flag lot in the R-1-6 Zone the side yard setback for the garage would be 5 feet.
5. Construction of the garage has been slow and the oversight of the improper side yard was not discovered until the roof trusses were put in place.
6. Three of the lower walls are poured concrete and two sides are substantially below grade.
7. The city does not have a view protection ordinance.
7. The appellant appealed the Planning Commission decision based on the attached letter and document dated September 7, 2004.

CONCLUSIONS

1. The hardship or extraordinary circumstance in this case is the fact that an oversight occurred in the review of the building permit, allowing the improper setback. This is a circumstance that is beyond the applicant's control and he proceeded to start construction with the knowledge that the permit was approved.
2. To make the applicant remove the building would be a hardship in the disruption of the property and thus a loss of a property right to construct a garage in which the applicant believed had been properly approved. Since it was an oversight on the part of staff, granting the variance would not have an adverse impact on city ordinance since it is not setting precedence. The requested 5 foot variance is the minimum that will resolve the issue.

3. If made to remove the existing building, the applicant could potentially place a new building that meets the required setbacks but may be higher and in a different orientation that could block the appellant's view to an even greater extent than the existing building.

Dated this 25th day of **October**, 2004

Bob, Hagbom, Mayor

ATTEST:

John C. Bischoff, Planning Director