



Agenda

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City of Brookings Common Council Meeting
Brookings City Hall Council Chambers
898 Elk Drive, Brookings Oregon
November 24, 2003
7:00 p.m.

I. Call to Order

II. Pledge of Allegiance

III. Roll Call

IV. Scheduled Public Appearances

- A. Rob Wall, Wall and Wall CPA—Report on comprehensive Annual Financial Report for Fiscal Year 2003-2003

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. Community Development Department
 - 1. Intergovernmental Agreement ODOT US 101 Thomas Creek-Chetco River Access Management Plan [page 5]
- B. City Manager
 - 1. City Manager Evaluation Criteria [page 11]
 - 2. League of Oregon Cities Annual Conference summary
 - 3. Other

VII. Consent Calendar

- A. Approval of Council Meeting Minutes of November 10, 2003, regular Council meeting [page 17]

VIII. Ordinances/Resolutions/Final Orders

A. Ordinances

1. In the matter of Ordinance No. 03-O-559, amending the zoning map of the City of Brookings by rezoning from R-2 (Two Family Residential) to R-3 (Multiple Family Residential) 2.6 acres located on the north side of Highway 101. Assessor's Map 41-13-6 BD, Tax Lots 2300 and 2302 [page 23]

B. Final Orders

1. In the matter of Planning Commission File No. CZ-1-03; application for a zone change from R-2 (Two Family Residential) to R-3 (Multiple Family Residential) on 2.6 acres located on the north side of Highway 101. Assessor's Map 41-13-6 BD, Tax Lots 2300 and 2302; Jerry Norman applicant [page 25]
2. In the matter of Planning Commission File No. SUB-6-02/MC-1; an application for a change of conditions of approval for a subdivision; Assessor's Map 41-13-7A Tax Lot 409; Noah Bruce, applicant [page 27]

IX. Remarks from Mayor and Councilors

- A. Council
- B. Mayor

X. Adjournment

City of Brookings
Events Calendar

November 2003

November 2003							December 2003						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1		1	2	3	4	5	6
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			
30													

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						November 1 CC- Election Ballot Drop site
2	9:00am CC- Election Ballot drop site 9:30am FH- VIPS/Volunteers in Police Service/Marvin Parker 7:00pm FH-FireTng/ChShrp (Fire Hall)	3 7:00am CC- Election Ballot Drop site 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 7:00pm CC-Planning Commssn	4 12:00pm Comnity Agencies mtg (Chetco Sr.Center) 1:30pm CC-SafetyComMtg/ HThmpson 7:00pm FH-PoliceReserves	5 8:15am CC-CmtyDevDpt Staff mtg/LLightle 9:00am CC-Crm Stoppers 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC- Sheriff's Search & Rescue mtg-Steve Car	6	7
9	7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	10 8:00am City Hall CLOSED - Veterans Day Holiday	11 5:45pm CC-SWOCC class-Peggy Goergen-469-5017	12 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray 2:00pm CC-Citizens for Emergency Preparedness- Judy Ruper 5:45pm CC-SWOCC class-Peggy	13	14
16	9:00am CC-Municipal Court/ JdgHarper 9:30am CC-VIPS/Volunteers in Police Service-BPalicki 6:00pm CC-American Red Cross Mtg/Karen Degenais 7:00pm FH-FireTng/ChShrp (Fire Hall)	17 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	18 9:00am Site Plan committee	19 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Downtown Development committee mtg-7 to 10 pm	20	21 10:00am CC- Subdivision Meeting/John Bischoff
23	8:00am CC-John Bishop-Police 7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	24 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	25	26 8:00am City Hall CLOSED - Thanksgiving Holiday	27	28 8:00am City Hall CLOSED - Holiday
30						

City of Brookings
Events Calendar

December 2003

December 2003							January 2004						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	31

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	December 1 9:30am CC- VIPS/Volunteers in Police Service/Marvin Parker 7:00pm FH-FireTng/ChShrp (Fire Hall)	2 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 11:30am FH-Wayne Botta-Teamsters-541 772-9826 7:00pm CC-Planning Commssn	3 12:00pm Comnity Agencies mtg (Chetco Sr.Center) 1:30pm CC-SafetyComMtg/HThmpson 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 7:00pm CC- Sheriff's Search & Rescue mtg-Steve Carpntner-Laurie Calef-469-0275	5	6 Nature's Coastal Holiday-Azalea Park
7	8	9	10	11	12	13
	7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	Nature's Coastal Holiday-Azalea Park	8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Downtown Development committee mtg-7 to 10 pm		
14	15	16	17	18	19	20
	9:00am CC-Municipal Court/JdgHarper 9:30am CC-VIPS/Volunteers in Police Service-BPalicki 6:00pm CC-American Red Cross Mtg/Karen Degenals 7:00pm FH-FireTng/ChShrp (Fire Hall)	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	Nature's Coastal Holiday-Azalea Park 6:00pm CC-Victim's Impact Panel-Mindy-Curry Prevention Services-247-2412	8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray		
21	22	23	24	25	26	27
	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)	Nature's Coastal Holiday-Azalea Park	City Hall Closed- Christmas Day Holiday 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Parks & Rec Comm/LBlodgett		
28	29	30	31			
Nature's Coastal Holiday-Azalea Park	7:00pm FH-FireTng/ChShrp (Fire Hall)	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)				

TO: Mayor and City Council
FROM: John Baschoff, Planning Director
THROUGH: Leroy Blodgett, City Manager
DATE: November 19, 2003



Issue: Access Management Plan

Background: ODOT has completed the final draft of the Access Management Plan for Highway 101 from the Thomas Creek Bridge to the Chetco River Bridge. If you remember, ODOT representatives presented the basis of the plan to a joint Council/Commission work-study session earlier this year. At the November 24 meeting ODOT is asking the Council to adopt an Intergovernmental Agreement (IGA) adopting that portion of the management plan that is located within the City of Brookings and its urban growth boundary. Representatives from ODOT will be at the meeting to answer any questions you may have. A copy of the management plan was placed in your mailbox earlier and a copy of the IGA is attached for your consideration.

Recommendation: Adoption of the IGA.

October 16, 2003

Misc. Contracts & Agreements
No. 20581

INTERGOVERNMENTAL AGREEMENT
US: 101 Thomas Creek-Chetco River Access Management Plan
City of Brookings

THIS AGREEMENT is made and entered into by and between THE STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "ODOT"; and THE CITY OF BROOKINGS, acting by and through its elected officials, hereinafter referred to as "City".

RECITALS

1. By the authority granted in ORS 190.110 and 283.110, state agencies may enter into agreements with units of local government or other state agencies for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform.
2. As a condition for approval of the Oregon Transportation Investment Act (OTIA) project Brookings Downtown-US 101 Transportation Solutions, Key No. 11718, the Southwest Area Commission on Transportation (SWACT) has directed ODOT, with City assistance, shall develop and City shall adopt a Highway Access Management Plan.

NOW THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

TERMS OF AGREEMENT

1. Under such authority, ODOT and City have developed the US 101 Thomas Creek-Chetco River Access Management Plan, hereinafter referred to as "Plan". City shall adopt the Plan as described in City Obligations No. 3.
2. Total cost to produce Plan is estimated to be \$47,000. Plan shall be financed using Region 3 Planning funds. ODOT shall be responsible for any overages associated with Plan.
3. This agreement shall become effective on the date required signatures are obtained and remain effective until Plan is formally adopted into City

Transportation System Plan (TSP), at which time this agreement shall expire.

CITY OBLIGATIONS

1. City agrees and concurs with Plan recommendations within the City's jurisdiction, as outlined in Exhibit A, attached hereto, and by this reference made a part hereof.
2. City shall attend public involvement activities as requested by ODOT, which may include, but are not limited to, attending community and civic activities and meeting with affected property owners.
3. City agrees to formally adopt, into the City TSP, that portion of the Plan which falls into the City's jurisdiction, by June 1, 2013.
4. City agrees that changes or termination of this agreement prior to expiration shall require formal action by the Oregon Transportation Commission and City.
5. City shall enter into this agreement during a duly authorized session of its City Council.
6. City agrees to comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this agreement, including, without limitation, the provisions of ORS 279.312, 279.314, 279.316, 279.320 and 279.555, which hereby are incorporated by reference. Without limiting the generality of the foregoing, City expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
7. City shall perform the service under this agreement as an independent contractor and shall be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work under this agreement including, but not limited to, retirement contributions, workers compensation, unemployment taxes, and state and federal income tax withholdings.

ODOT OBLIGATIONS

1. ODOT shall develop Plan at ODOT expense. Plan shall be financed using Region 3 Planning funds. ODOT shall be responsible for any overages incurred in the development of Plan.
2. ODOT certifies, at the time this agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this agreement within ODOT's current appropriation or limitation of current biennial budget.
3. ODOT's project manager for this agreement is Ingrid Weisenbach, TGM Planner, 3500 NW Stewart Parkway, Roseburg OR 97470, 541-957-3542.

GENERAL PROVISIONS

1. This agreement may be terminated by mutual consent of both parties upon 30 days' notice, in writing and delivered by certified mail or in person

ODOT may terminate this agreement effective upon delivery of written notice to City, or at such later date as may be established by ODOT, under any of the following conditions:

- a. If City fails to provide services called for by this agreement within the time specified herein or any extension thereof.
- b. If City fails to perform any of the other provisions of this agreement or so fails to pursue the work as to endanger performance of this agreement in accordance with its terms, and after receipt of written notice from ODOT fails to correct such failures within 10 days or such longer period as ODOT may authorize.
- c. If ODOT fails to receive funding, appropriations, limitations or other expenditure authority at levels sufficient to pay for the work provided in the agreement.
- d. If Federal or State laws, regulations or guidelines are modified or interpreted in such a way that either the work under this agreement is prohibited or if ODOT is prohibited from paying for such work from the planned funding source.

Any termination of this agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.

2. City acknowledges and agrees that ODOT, the Secretary of State's Office of the State of Oregon, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of City which are directly pertinent to the specific agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of three years after final payment. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by ODOT.
3. All employers, including City, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. City shall ensure that each of its subcontractors complies with these requirements.
4. This agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. No waiver, consent, modification or change of terms of this agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of ODOT to enforce any provision of this agreement shall not constitute a waiver by ODOT of that or any other provision.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

The Oregon Transportation Commission approved this project on January 16, 2002.

The Oregon Transportation Commission on June 18, 2003, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations when the work is related to a project included in the Statewide Transportation Improvement Program or a line item in the biennial budget approved by the Commission.

On September 6, 2002, the Director of the Oregon Department of Transportation approved Subdelegation Order No. 2, in which the Director grants authority to the Region Managers for their respective Region, to approve and execute

agreements up to \$75,000 when the work is related to a project included in the Statewide Transportation Improvement Program.

CITY OF BROOKINGS , by and through its elected officials	STATE OF OREGON , by and through its Department of Transportation
By _____ Title: _____	By _____ Region 3 Manager
By _____ Title: _____	Date _____
By _____ Title: _____	APPROVAL RECOMMENDED
Date _____	By _____ Region 3 Planning Manager
APPROVED AS TO CONTENT	Date _____
By _____ City Counsel	By _____ Region 3 Access Management Engineer
Date _____	Date _____
	Agency Address: City of Brookings 898 Elk Drive Brookings, OR 97415

CITY OF BROOKINGS



STAFF REPORT

Date: November 19, 2003
To: Mayor Hagbom & City Councilors
From: Leroy Blodgett, City Manager
Subject: City Manager Evaluation Criteria

REPORT

At least once each year City Council must evaluate the job performance of the City Manager. This is typically done near the end of the calendar year. The actual evaluation may be done in open public session or in executive session. However, if the evaluation is done in an executive session City Council must first adopt the criteria for the evaluation in an open public meeting and receive public input.

In the past City Council has chosen to do the evaluation in an executive session. Often councilors are more comfortable discussing constructive criticism in a private forum. Either way the evaluation form should be approved as the criteria for evaluation of the City Manager. Once the approved, each councilor should complete the form and return to Mayor Hagbom.

STAFF RECOMMENDATION

Approve the proposed evaluation form as criteria for evaluating the City Manager and set December 22, 2003 date for an executive session for this purpose.

CITY MANAGER PERFORMANCE EVALUATION

INSTRUCTIONS: Place a check mark on the line underneath the number that you feel is appropriate for each item. 5 is high, or excellent, 1 is very poor. Please feel free to add your comments and suggestions in narrative form along with the numerical rating.

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
1. <u>Public Relations</u>					
A. Participates in public events	_____	_____	_____	_____	_____
B. Is courteous to public	_____	_____	_____	_____	_____
C. Keeps commitments to the public	_____	_____	_____	_____	_____
D. Seeks to use criticism of self or City in positive ways	_____	_____	_____	_____	_____
E. Maintains effective relations with media representatives	_____	_____	_____	_____	_____

Specific Comments: _____

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
2. <u>Employee Relations</u>					
A. Supports staff concerns and ideas	_____	_____	_____	_____	_____
B. Encourages staff involvement in setting goals and budget preparation	_____	_____	_____	_____	_____
C. Keeps commitments to other employees	_____	_____	_____	_____	_____
D. Seeks to develop skills and abilities of employees	_____	_____	_____	_____	_____

Specific Comments: _____

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
3. <u>City Council Relationships</u>					
A. Effectively implements policies and programs approved by City Council	_____	_____	_____	_____	_____
B. Reporting to City Council is timely, clear, concise and thorough	_____	_____	_____	_____	_____
C. Accepts direction or instructions in a positive manner	_____	_____	_____	_____	_____
D. Effectively aids the City council in establishing goals	_____	_____	_____	_____	_____
E. Keeps Council informed of current plans and activities of administration and new developments in legislation, governmental practices, etc.	_____	_____	_____	_____	_____

Specific Comments: _____

CITY MANAGER PERFORMANCE EVALUATION

4. Leadership

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
A. Motivates others toward accomplishment of work	_____	_____	_____	_____	_____
B. Delegates appropriate responsibilities	_____	_____	_____	_____	_____
C. Makes thoughtful contributions to City Council and subordinates	_____	_____	_____	_____	_____
D. Effectively evaluates performance of subordinates	_____	_____	_____	_____	_____
E. Seeks to develop teamwork by City Organization	_____	_____	_____	_____	_____
F. Uses effective supervisory skills	_____	_____	_____	_____	_____

Specific Comments: _____

5. Communications

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
A. Written communication is clear, concise and accurate	_____	_____	_____	_____	_____
B. Oral communication is clear, concise; expresses self effectively	_____	_____	_____	_____	_____

Specific Comments: _____

6. Personal Traits

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
A. Controls emotions effectively in difficult situations	_____	_____	_____	_____	_____
B. Is creative in developing practical solutions to problems faced in the course of work	_____	_____	_____	_____	_____
C. Uses common sense	_____	_____	_____	_____	_____
D. Is flexible in accepting and adjusting to change	_____	_____	_____	_____	_____
E. Has positive attitude	_____	_____	_____	_____	_____
F. Demonstrates personal honesty and frankness in day-to-day relationships	_____	_____	_____	_____	_____
G. Seeks to improve own skills and knowledge	_____	_____	_____	_____	_____
H. Completes work in acceptable time periods	_____	_____	_____	_____	_____
I. Performs work accurately	_____	_____	_____	_____	_____

Specific Comments: _____

CITY MANAGER PERFORMANCE EVALUATION

7. <u>Goal Achieving</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
A. Takes initiative to get job done correctly and thoroughly	_____	_____	_____	_____	_____
B. Perceives new responsibilities and proceeds independently to undertake or expand these responsibilities	_____	_____	_____	_____	_____
C. Accepts responsibility for own work	_____	_____	_____	_____	_____
D. Achieves goals set by or in conjunction with City Council	_____	_____	_____	_____	_____

Specific Comments: _____

8. <u>Fiscal Management</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
A. Prepares realistic annual budget	_____	_____	_____	_____	_____
B. Seeks efficiency, economy and effectiveness in all programs	_____	_____	_____	_____	_____
C. Controls expenditures in accordance with approved budget	_____	_____	_____	_____	_____
D. Keeps City Council informed about revenues and expenditures, actual and projected	_____	_____	_____	_____	_____

Specific Comments: _____

9. <u>Decision Making</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
A. Attempts to obtain all available facts prior to making a decision	_____	_____	_____	_____	_____
B. Is objective in decision making	_____	_____	_____	_____	_____
C. Considers possible alternatives and their consequences before making decision	_____	_____	_____	_____	_____
D. Makes decisions on a timely basis	_____	_____	_____	_____	_____

Specific Comments: _____

CITY MANAGER PERFORMANCE EVALUATION

10. Other

1 2 3 4 5

A. Seeks to promote intergovernmental cooperation

B. Effectively responds to local politics, customs and interests

C. Seeks to understand and respond to community needs

Specific Comments: _____

GENERAL COMMENTS: _____

Recommended Salary Adjustment 5% Increase _____ Other _____

_____ Date: _____

Signature

**CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
November 10, 2003
7:00 p.m.**

I. Call to Order

Mayor Bob Hagbom called the meeting to order at 7:05 p.m.

II. Pledge of Allegiance

Led by Councilor Curry

III. Roll Call

Council Present: Mayor Bob Hagbom, Council President Rick Dentino, Councilors Larry Curry, Frances Johns Kern, and Craig Mickelson, a quorum present.

Council Absent: None

Staff Present:

City Manager Leroy Blodgett, City Attorney John Trew, City Planner John Bischoff, and Administrative Secretary Linda Barker

Media Present: Curry Coastal Pilot Reporter Bill Lundquist

Other:

Approximately 13 other citizens

Before the beginning of the Public Hearing portion of the agenda Mayor Hagbom presented Councilor Curry with a certificate of appreciation from Oregon Coastal Zone Management Association. Curry's last meeting with OCZMA was to have been October 30 however Curry was unable to attend. Curry accepted the certificate saying it was a pleasure to be recognized for some of the things we do.

IV. Public Hearing

Mayor Hagbom opened the public hearing portion of the meeting by reading the rules of procedure for public hearings. The first hearing opened at 7:10 p.m.

- A. *File No. CPZ-2-03—an application for a Comprehensive Plan change and zone change involving a portion of four tax lots, consisting of a zone change from R-1-6 (Single-family Residential, 6,000 square foot minimum lot size) to R-3 (Multiple-family Residential) on Tax Lots 201, 400 and 401; a zone change on a portion of Tax Lot 301 from C-4 (Tourist Commercial) to R-3; a comprehensive plan change from Residential to*

Commercial, and a zone change from R-1-6 to C-4 on a portion of Tax Lot 200; located at 96707 East Harris Heights Avenue; Assessors Map 40-14-36A; Edward Hewitt, applicant.

Councilor Mickelson declared ex parte contact due to a site visit. There were no declarations of personal bias or conflict of interest by any of the Councilors. No member of the audience questioned the jurisdiction of the Council to hear the request before them.

City Manager Blodgett said the City had received communication from the applicant asking that the zone change request be amended from R-3 to R-2. Kurt Kessler, purchaser of the property, also wrote saying he would be agreeable to the R-2 zone rather than R-3. Staff recommended remanding the application back to the Planning Commission

The Public Hearing closed at 7:18 p.m.

Councilor Dentino moved, a second followed, and the Council voted unanimously to remand File No. CPZ-3-02 back to the Planning Commission.

- B. *File No. CZ-1-03—an application for a zone change from R-2 (Two-family Residential) to R-3 (Multiple-family Residential) on 2.6 acres located at 1038 Chetco Avenue; Assessor's Map No. 41-13-06 BD, Tax Lots 2300 and 2302; Jerry Norman, applicant.*

Mayor Hagbom opened the public hearing on CZ-1-03 at 7:19 p.m. Councilor Dentino declared ex parte contact by a site visit. No other Councilor declared ex parte contact. No Councilor stated personal bias or conflict of interest and there was no objection to the jurisdiction of the Council to hear this matter.

After Planner Bischoff presented his staff report the following spoke about the request:

Applicant Jerry Norman	PO Box 1025	Brookings
Gerald Ross	617 Easy Drive	Brookings
Richard Wilson	117 Tanbark Road	Brookings

No participant of the Hearing requested additional time to present evidence. The Hearing was closed to the public at 7:55 p.m.

The applicant waived his right to seven days to present additional written testimony.

There was Council discussion regarding the amount of traffic generated by multiple family dwellings and its impact on Chetco Avenue.

Councilor Mickelson moved, a second followed, and the Council voted 4-1 (For: Councilors Mickelson, Curry, Johns Kern and Mayor Hagbom; Against: Councilor Dentino) to approve a zone change from R-2 (Two-family Residential) to R-3 (Multiple-family Residential) on 2.6 acres located at 1038 Chetco Avenue; Assessor's Map No. 41-13-06 BD, Tax Lots 2300 and 2302; Jerry Norman, applicant, and to direct staff to prepare the FINAL Order and Findings of Fact.

- C. *File No. CPZ-3-03—an application for a zone change from R-3 (Multiple-family Residential) to P/OS (Public Open Space) and a comprehensive plan amendment change from Residential to Open Space; located at 517 Railroad Avenue; Assessor's Map 41-13-05 CC Tax Lot 1800; Grant Young, representative; Curry County, applicant.*

Mayor Hagbom opened the Public Hearing at 8:00 p.m. City Manager Blodgett said the Curry County Planning Director had requested a continuation of the Hearing to December 8, 2003.

Councilor Dentino moved, a second followed and the Council voted unanimously to continue the Public Hearing on CPZ-3-03 to December 8, 2003.

V. *Oral Requests and Communications from the Audience*

A. *Committee and Liaison reports*

1. *Chamber of Commerce-none*
2. *Council Liaisons*

Councilor Dentino attended an Oasis House presentation for Domestic Violence Awareness Month. He presented a short talk on local government to a group of kindergartners visiting City Hall. He also attended the monthly Community Agencies meeting and along with the other Councilors will attend the League of Oregon Cities Annual Conference in Eugene November 13-16.

Councilor Mickelson attended a Parks and Recreation Commission meeting on October 23 and a marketing committee meeting of the Chamber of Commerce, November 10.

Councilor Johns Kern also attended the Parks and Recreation Commission meeting.

Councilor Curry attended the Community Agencies meeting and the meeting of Crimestoppers on November 9.

- B. *Unscheduled*
None

VI. Staff Reports

- A. *City Manager*
1. *Other*

City Manager Blodgett reported Asante Board of Directors met today and heard their staff report on a potential hospital in Brookings. Their meeting was about three hours long and it was reported the Board members were very enthusiastic about a hospital in Brookings. The Board directed their staff to move forward to next step. The City has not received a written commitment but this is one small step in making a hospital happen in Brookings. He said the City would like to work exclusively with Asante until all possibilities have been exhausted.

Councilor Johns Kern moved, a second followed, and the Council voted unanimously to continue to work with Asante to secure a hospital for Brookings.

VII. Consent Calendar

- A. *Approval of Council Meeting Minutes of October 27, 2003, regular Council meeting*
B. *Acceptance of Parks and Recreation Commission Minutes of August 28, 2003, regular Commission meeting*
C. *Acceptance of Planning Commission Minutes of October 7, 2003, regular Commission meeting*
D. *Acceptance of Budget Committee Minutes of October 27, 2003, meeting*
E. *Approval of Vouchers for month of October, 2003 (\$218,225.09)*
End Consent Calendar

Councilor Johns Kern moved, a second followed, and the Council voted unanimously to approve the Consent Calendar as written.

The meeting recessed at 8:05 p.m. Mayor Hagbom reconvened the meeting at 8:16 p.m.

VIII. Ordinances/Resolutions/Final Orders

- A. *Final Orders*
1. *File No. APP-4-03/SUB-6-02/MC-1—In the matter of a Final ORDER and Findings of Fact in the denial for a minor change of the conditions of approval for a subdivision to allow encroachment into an earthen berm located along the westerly boundary of the subject property; Assessor's Map 41-13-7A, Tax Lot 409.*

City Attorney Trew said the Council was back on the record on this particular hearing. He explained he sent a letter to the Council about the choices he had given the Council at their meeting of October 27 explaining there was a third choice of modifying the Planning Commission decision. He had not given them this choice at the meeting, only to uphold or deny the appeal. After review of the Land Development

Code regarding appeals his recommendation at this time is that the Council still could consider the third option

Councilor Dentino moved, a second followed, and the Council voted 4-0 (Councilor Johns Kern had declared bias at the initial Hearing and did not participate) to reconsider the motion to deny APP-4-03.

Trew introduced a letter from The Cove's attorney Gary Georgeff. The City received the letter at 3:30 p.m. As the Public Hearing on this matter was closed to the public Trew said the appellant's attorney must be asked if he objects to the Council seeing the letter. John Babin, appellant's attorney, said he saw the letter about 4:00 p.m. and while it is outside the scope of evidence since the hearing was closed, Bruce Bros. would not object to the Council seeing the letter and attachments. However Babin said he would like to respond in some extent. Trew said this would reopen the Hearing. Babin waived the right to respond and the letter was distributed to the Council.

City Manager Blodgett then reiterated the three choices before the Council: 1) approve the findings and final order denying the appeal; 2) direct staff to prepare findings and final orders to approve the appeal; or 3) direct staff to prepare findings and a final order to reverse the decision of the Planning Commission which denied an application for a minor change to the conditions of approval and granting the application for a minor change. Staff recommended the following wording for the conditions of approval:

Any encroachment or modification to the "berm" shall first be designed by a certified engineer and include an opinion of an expert in air flow that concludes that the encroachment or modification shall not degrade existing odor control or visual impact of the WWTP. Engineered design of any proposed encroachment or modification to the "berm" shall be reviewed by the City Engineer and a recommendation made to the Site Plan Committee for consideration.

Council discussion centered on whether the berm would be allowed to remain in its modified state or if the appellant should correct the encroachments.

Councilor Dentino moved, a second followed, and the Council voted 4-0 (Councilor Johns Kern had declared personal bias at the initial Hearing and did not participate) to direct staff to prepare findings and a final order reversing the decision of the Planning Commission which denied an application for a minor change to the conditions of approval and grant the application for a minor change with the following requirement: Any encroachment or modification to the "berm" shall first be designed by a

certified engineer and include an opinion of an expert in air flow that concludes that the encroachment or modification shall not degrade existing odor control or visual impact of the WWTP. Engineered design of any proposed encroachment or modification to the "berm" shall be reviewed by the City Engineer and a recommendation made to the Site Plan Committee for consideration. The engineers and developers of the encroachment or modification of the berm shall be liable for any degradation of any existing odor or visual barriers.

IX. Remarks from Mayor and Councilors

- A. *Council-None*
- B. *Mayor-None*

X. Adjournment

Councilor Johns Kern moved to adjourned at 8:45 p.m. and by verbal vote the Council agreed to adjourn.

The meeting was reopened at 8:45 p.m.

Rex Atwell, 17169 Parkview Drive, addressed the Council on behalf of his neighbors in the Parkview Drive area. At the last Council meeting Atwell had registered a complaint over the lack of consideration shown by the contractors who are working in the newly annexed areas of Parkview Drive. He brought a huge thank you from the neighborhood for the immediate response by City officials to the complaint.

With no further business before it the Council adjourned the meeting at 8:46 p.m.

Respectfully submitted:

Bob Hagbom
Mayor

ATTEST by City Recorder this ____ day of _____, 2003.

Paul Hughes
Finance Director/City Recorder

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

**In the Matter of an Ordinance amending the
zoning map of the City of Brookings by rezoning
from R-2 (Two Family Residential) to R-3
(Multiple-Family Residential) on that certain
property described below**

ORDINANCE No. 03-O-559

Sections:

Introduction.

Section 1. Zoning Map to designate property as R-2.

WHEREAS, a public hearing was held on October 7, 2003 before the Brookings Planning Commission for the purpose of considering a request for a rezone from Two Family-Residential (R-2) to Multiple Family-Residential (R-3), on 2.60 acres of property located on the north side of Highway 101; (identified as Assessor's Map No. 41-13-6BD, Tax Lots 2300 and 2302.

WHEREAS, following closure of the public hearing after considerable evidence and testimony was presented by proponents and opponents, the Planning Commission, by a unanimous vote, directed the Planning Director to prepare a recommendation, with findings, to the City Council, for approval of the request for the rezoning from R-2 to R-3; and

WHEREAS, the Brookings City Council, at its regularly scheduled meeting of November 10, 2003 did conduct a public hearing on this matter, during which hearing considerable testimony and evidence was presented by the applicant's representative, interested parties and recommendations were received from and presented by the Planning Director; and

WHEREAS, at the conclusion of said public hearing, after consideration and discussion, the Brookings City Council, upon a motion duly seconded, did vote in the majority to adopt a Final Order and Findings of Fact document dated November 24, 2003 on its decision to grant the applicant's request;

The city of Brookings ordains as follows:

Section 1. Amendment to the Zoning Map to designate property Multiple Family Residential (R-3).

The Zoning Map of the City of Brookings is amended to show that the following described property is zoned Multiple Family-Residential (R-3).

Real property in the County of Curry, State of Oregon, described as follows:

A tract of land laying in the Southeast Quarter of the Northwest Quarter of Section 6, Township 41 South Rang 13 West, Willamette Meridian, Curry County, Oregon, more particularly described as follows:

Beginning at a point which is north 494.7 feet and West 549.7 feet from the interior quarter corner of said Section 6; thence North 315.3 feet' thence East 325.0 feet; thence South 415.3 feet; thence North 72° 54' West 140.0 feet; thence North 58.8 feet; thence West 191.2 feet to the point of beginning.

First Reading: _____
Second Reading: _____
Passage: _____
Effective Date: _____

Signed by me in authentication of its passage this _____ day of _____, 2003.

Bob Hagbom, Mayor

ATTEST:

Paul Hughes
Finance Director/Recorder

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

**In the matter of Planning Commission File No.) Final ORDER
CZ-1-03; application for a Zone Change; Jerry) and Findings of
Norman, applicant.) Fact
)**

ORDER approving an application for a zone change from R-2 (Two Family Residential) to R-3 (Multiple Family Residential) on 2.6-acres parcel located on the north side of Highway 101 above the Westward Motel; Assessor's Map 41-13-6BD, Tax Lots 2300 and 2302; Zone R-2.

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with Section 144, Amendments, of the Land Development Code; and,

2. The Brookings Planning Commission duly considered the above described application on the agenda of its regularly scheduled public hearing on October 7, 2003; and

3. Recommendations were presented by the Planning Director in the form of a written Staff Agenda Report dated September 12, 2003, and by oral presentation, and evidence and testimony was presented by the applicant and the public at the public hearing; and,

4. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the Planning Commission, upon a motion duly seconded, accepted the Staff Agenda Report and recommended that the City Council approved the request, and

5. The Brookings City Council duly considered the above described application in a public hearing at a regularly scheduled public meeting held on November 10, 2003, and is a matter of record; and

6. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the City Council, upon a motion duly seconded, accepted the Planning Commissions recommendation; and

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

FINDINGS

1. The applicant is requesting a zone change from the existing R-2 (Two Family Residential) Zone to the R-3 (Multiple Family Residential) Zone on two vacant parcels of land totaling 2.60 acres.
2. The subject property is located between the commercially zoned lots on the north side of Highway 101 and the single family zoned area to the north. The adjoining property to the east is zoned R-3. The adjoining property in the west is zoned C-3 (General Commercial).
3. The subject property and the adjoining lot on the west are easement accessed at this time.
4. The existing R-2 Zone would allow a total of 4 dwelling units on the subject property, which, at 10 trips per unit, would generate approximately 40 vehicular trips per day.

5. The R-3 Zone would allow a density of 35 to 40 multi-family dwelling units over the entire property, which at 8 trips per unit would generate 320 vehicular trips per day.
6. Development of the property under the R-2 Zone could be accessed via the existing easement. Development under the R-3 Zone will require a new street to access the property.
7. The easement accessing the subject property has sufficient width to provide a standard curb-to-curb width of 30 feet within a 45-foot wide right-of-way with sidewalks on both sides.
8. Oregon Department of Transportation has been notified of the proposed zone change.

CONCLUSIONS

1. The proposed R-3 Zone will provide a buffer between the single-family uses to the north and the commercial uses to the south while also allowing more efficient use of the property than the existing R-2 Zone would allow. Development on the subject property with the new R-3 Zone will require the construction of a new street to access the subject property and the adjoining property on the west, both of which are currently accessed by the same easement.
2. The subject property can support approximately 40 apartment units, which will generate 320 vehicular trips per day. The new cul-de-sac street will have a curb face to curb face section of 30 feet with curb, gutter and sidewalk within a 45-foot wide right-of-way. The new street will accommodate the traffic generated by 40 apartment units and the Oregon Department of Transportation (ODOT) has been notified of the change of zone and the developer will be required to meet any conditions applied by ODOT regarding the intersection of the new street and the highway.
3. The multi family residential zone is commonly used as a buffer between commercial and lower density residential uses and is more compatible with both the commercial zoning and the low density single family zoning than the exiting R-2 Zone. The proposed R-3 Zone is also consistent with the adjoining property on the east which is zoned R-3. Since the area subject to the zone change is already designated as Residential by the Comprehensive Plan, the proposed change of zone does not change the ratio of residentially zoned land to commercial/industrial/open space land as set fourth in Goal 14 of the Comprehensive Plan. The change is also consistent with the Goal 10, Housing, policy in that it would provide a variety of housing types and the policy that the city will not place undue restrictions on the development of land with in the city. The R-3 Zone will also allow more efficient use of the subject property than the existing R-2 Zone.

Dated this 24th day of NOVEMBER 2003.

Bob Hagbom, Mayor

ATTEST:

John C. Bischoff, Planning Director

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

In appeal of the Planning Commission decision for)	Final ORDER
File No. SUB-6-02/MC-1; application for a change of)	And Findings of
a condition of approval for a subdivision; Noah)	Fact
Bruce, applicant.)	

ORDER approving an application for a minor change of a condition of approval for subdivision file SUB-6-02 to allow an existing berm to be altered under certain conditions; Assessor's Map 41-13-7A, Tax Lot 409; zoned R-2 (Two Family Residential).

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with Section 176.060, of the Land Development Code which authorizes the Planning Commission to approve, approve with conditions or deny a request for a subdivision, based upon evidence that the proposal meets the following criteria:

- A. Conformance with the comprehensive plan, and applicable development standards of this code, and state and federal laws.
- B. Development of any remainder of property under the same ownership, if any, can be accomplished in accordance with this code.
- C. Adjoining property under separate ownership can either be developed or be provided access that will allow its development in accordance with this code.
- D. Conditions necessary to satisfy the intent of the land development code and comprehensive plan can be satisfied prior to final approval.
- E. The proposed street plan affords the most economic, safe, efficient and least environmentally damaging circulation of traffic possible under existing circumstances.
- F. The proposed name of the subdivision shall be approved by the commission, provided the name does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Curry County, except for the words "town", "city", "place", "court", "addition", or similar words unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name, or unless the applicant files and records the consent of the party who platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed.
- G. The proposed name of a street in the subdivision shall be approved by the commission provided it is not the same as, similar to or pronounced the same as the name of an existing street in the same zip code area, unless the street is approved as a continuation of an existing street. A street name or number shall conform to the established pattern for the area.

H. Streets that are proposed to be held for private use shall be distinguished from the public streets on the subdivision plat, and reservations and restrictions relating to the private streets are established.

2. The Brookings Planning Commission duly considered the above described application on the agenda of its regularly scheduled public hearing on September 2, 2003; and

3. Recommendations were presented by the Planning Director in the form of a written Staff Agenda Report dated August 19, 2003, and by oral presentation, and evidence and testimony was presented by the applicant and the public at the public hearing; and,

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

WHEREAS, the appellant appealed the Planning Commission's approval of the subdivision, 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 October 13, 2003; and

2. Presentations were made by the Planning Director in the form of a written Staff Agenda Reports dated August 19, 2003 and by oral presentation, and evidence and testimony were presented by the appellant, the applicant and the public 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 directed staff to prepare a Final ORDER and Findings of Fact to that effect.

WHEREAS, at its November 10, 2003 meeting the Council reopened discussion of this matter and after review of the options allowed under Section 156, Appeal To City Council, Sub-section 156.030, Appeal procedure, the City Council, upon a motion, voted to change its decision and allow the appellant the opportunity to provide engineered design and evidence that alteration of the berm would not decrease the integrity of the berm or change the odor and visual buffering quality of the berm with the condition sited below.

THEREFORE, LET IT BE HEREBY ORDERED that the application for a subdivision on the subject parcel is denied. This denial is supported by the following findings and conclusions:

FINDINGS

1. The applicant is requesting an amendment to the conditions of approval for the subject subdivision to allow the berm that exists between the subject property and the city's wastewater treatment plant to be altered at both ends to allow the construction of houses in those locations.

2. The berm in question was constructed as a condition of approval of the "The Cove" Subdivision, which was a separate approval from the subject subdivision.

3. At the time of approval of the "The Cove" Subdivision the property where the berm is located was a part of that subdivision but the phases over that area were never recorded and the property was subsequently sold.
4. The purpose of the berm was to provide a visual and odor barrier between the "The Cove" Subdivision and the city's wastewater treatment plan.

CONCLUSIONS

1. The berm was constructed as a condition of approval for the original "The Cove" Subdivision with the purpose of providing a visual and odor barrier between the project and the city's wastewater treatment plan. The original condition of approval required the berm to be engineered with input from a weather expert. If the applicant can provide plans for the alteration of the berm designed by an engineer and wind flow expert with sufficient evidence to show that the purpose of the berm is not degraded from the existing state, pursuant to the condition of approval below, then alteration of the berm will be allowed.

CONDITIONS OF APPROVAL

1. Any encroachment or modification to the "berm" shall first be designed by a certified engineer and include an opinion of an expert in airflow that concludes that the encroachment or modification shall not degrade existing odor control or visual impact of the WWTP. Engineered design of any proposed encroachment or modification to the "berm" shall be reviewed by the City Engineer and a recommendation made to the Site Plan Committee for consideration. The engineers and developers of the encroachment or modification of the berm shall be liable for any degradation of any existing odor or visual barriers.

Dated this 24th day of **NOVEMBER**, 2003

Bob Hagbom, Mayor

ATTEST:

John C. Bischoff, Planning Director

BUILDING DEPARTMENT ACTIVITIES SUMMARY
For the Month of: October 2003

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
3	Single Family Dwelling	\$2,146.50	\$1,395.23	\$150.26	\$20,225.00	\$637,863.00	61	\$12,067,032.00	35	\$6,376,546.00
1	Single Family Addition	\$29.50	\$0.00	\$2.07	\$0.00	\$1,800.00	26	\$1,330,602.00	17	\$864,913.40
1	Single Family Garage-Carport	\$179.50	\$116.68	\$12.57	\$0.00	\$26,656.00	10	\$117,090.00	19	\$258,893.80
6	Two Family Residential	\$5,118.00	\$3,326.72	\$358.26	\$76,608.00	\$1,604,022.00	9	\$2,217,282.00	6	\$1,523,380.16
0	Multi-Family Residential Apts	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	3	\$2,118,347.00	1	\$485,006.00
1	Commercial New	\$583.00	\$378.95	\$40.81	\$0.00	\$160,000.00	8	\$2,170,434.00	3	\$1,008,681.00
1	Commercial Addition-Change	\$1,083.00	\$1,137.15	\$75.81	\$5,629.20	\$359,870.00	22	\$1,264,739.00	11	\$307,510.00
0	Churches	\$980.50	\$1,029.53	\$68.64	\$9,188.00	\$318,008.00	1	\$318,008.00	1	\$3,317.00
0	School Repair-Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	1	\$6,356.00
0	Building Removal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	2	\$0.00	3	\$0.00
1	Misc -Retaining Wall-Fence	\$31.00	\$20.15	\$2.17	\$0.00	\$1,872.00	4	\$13,664.00	5	\$6,214.00
15	Total Building Permits	\$10,151.00	\$7,404.41	\$710.57	\$111,650.20	\$3,110,091.00	146	\$21,637,198.00	102	\$10,840,817.36
17	Mechanical Permits	\$720.45	N/A	\$50.43	N/A	N/A	77	N/A	67	N/A
9	Plumbing Permits	\$666.40	N/A	\$46.65	\$0.00	N/A	58	N/A	51	N/A
0	Manufactured Home Install Permits	\$0.00	N/A	\$0.00	\$0.00	N/A	1	N/A	4	N/A
0	Manufactured Dwelling Fee	N/A	N/A	\$0.00	N/A	N/A				
41	TOTAL PERMITS	\$11,537.85	\$7,404.41	\$807.65	\$111,650.20	\$3,110,091.00	282	\$21,637,198.00	224	\$10,840,817.36
	Total Year to Date Calculated Fees	\$56,042.32	\$35,467.10	\$3,952.97	\$307,405.24					
	2002 YTD Calculated Fees	\$67,935.55	\$54,151.67	\$4,755.49	\$188,150.00					

