

9569224  
City of Brookings  
Common Council Meeting  
City Hall Council Chambers  
898 Elk Drive  
Brookings, OR 97415  
February 11, 2002  
7:00 P.m.



Happy Valentines  
from the home of special winter flowers  
in Brookings, Oregon

February 14, 2002

# agenda

CITY OF BROOKINGS  
COMMON COUNCIL MEETING  
Brookings City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon  
February 11, 2002  
7:00 p.m.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

A. Appointments

1. Planning Commission/Position #4 – 4 year term expiring April 1, 2004  
(effective February 11, 2002)

B. Announcements

1. Resignation of Jim Collis from Planning Commission
2. Mayor's Liaison appointments

V. PUBLIC HEARING

- A. In the matter of Planning Commission File No. APP-3-01, an appeal of the Planning Commission's approval of a subdivision dividing a 2.09-acre parcel into 11 lots ranging in size from 7,509 to 7,746 sq. ft., located in the southeast corner of the east/west alignment and the north/south alignment of Dawson Rd.; Walter Battaglia, appellant.

VI. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

- A. Committee and Liaison reports
1. Chamber of Commerce



2. Planning Commission
    - a. Annual Report – Chair Richard Gyuro
  3. Parks and Recreation Commission
    - a. Annual Report – Chair Craig Mickelson
  4. Council Liaisons
    - a. Southwestern Oregon Community Action Council – Annual Report/  
Councilor Kuhn
    - b. 50<sup>th</sup> Birthday Committee Final Report
- B. Unscheduled

**VII. STAFF REPORTS**

- A. City Manager
  1. Adoption of City Council Goals
  2. New City Attorney Fee Agreement, effective July 1, 2002
  3. Request from Curry County Juvenile Department regarding Juvenile  
Accountability Incentive Block Grant Program
  4. Other

**VIII. CONSENT CALENDAR**

- A. Approval of Council Meeting Minutes
  1. Minutes of January 28, 2002, Regular Council Meeting
- B. Acceptance of Planning Commission Minutes
  1. Minutes of December 4, 2001, Regular Commission Meeting
- C. Approval of Vouchers (\$147,856.05)  
(end Consent Calendar)

**IX. REMARKS FROM MAYOR AND COUNCILORS**

- A. Council
- B. Mayor

**X. ADJOURNMENT**

# CITY OF BROOKINGS EVENTS CALENDAR Council Chambers and Fire Hall Use

## February 2002

February 2002						
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31						

Monday						
9:30am 10:30am CC-VIPS/Volunteers in Police Service/BPald	4:00pm 6:00pm CC-P&R Events Com-Golf/LBldgett&TP	7:00pm 10:00pm FH-FireTrng/ChShip (Fire Hall)	9:30am 9:40am KJURY Radio Community Focus Talk Show w/City Staff/Council (KJURY 95.3)	2:30pm 4:00pm CC-Mtg/Bldgett & LLghtde	7:00pm 9:00pm CC-Planning Commssn LLghtde	
Tuesday						
Wednesday						
Thursday						
Friday						
Sat/Sun						

COPY TO: Council Chambers, Fire Hall, Police Dispatch, Orig to SR (CC=Council Chambers, FH=Fire Hall, BDP=BrkgsPoliceDep)

REVISID: 2/7/2002, 12:19 PM



# CITY OF BROOKINGS EVENTS CALENDAR Council Chambers and Fire Hall Use

## March 2002

March 2002							April 2002						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
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31													

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
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9:30am 10:30am CC- VIPS/Volunteers in Police Service/BPalicki 7:00pm 10:00pm FH-FireTng/ChShrp (Fire Hall)	9:30am 9:40am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 7:00pm 9:00pm CC-Planning Commssn	12:00pm 1:30pm Cominity Agencies mtg (Chetco Sr.Center) 7:00pm 9:00pm FH-PoliceReserves 7:00pm 8:30pm CC-Downtown Development Comm Mtg	8:15am 9:00am CC-CmtyDevDpt Staff mtg/LLightle 9:00am 10:00am Crime Stoppers 10:00am 12:00pm CC- Site Plan Com Mtg/LauraLee Gray	7:00am 8:00am TV49-Coast Today w/City Officials &/or Employees (TV49 Station)	8:30am 3:00pm Community Design Workshop re: Broo 3:00pm 4:30pm City Staff & Downtown Dev Comm Mtg (Confe
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					11
7:00pm 10:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm 8:30pm CC-Council Mtg	9:30am 9:40am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 3:00pm 4:00pm CC-HOPE Mtg/ Councilor Lorraine Kuhn	2:30pm 3:30pm FH-SafetyComMtg/ HThmpson	8:15am 9:00am CC-CmtyDevDpt Staff mtg/LLightle 10:00am 12:00pm CC- Site Plan Com Mtg/LauraLee Gray	7:00am 8:00am TV49-Coast Today w/City Officials &/or Employees (TV49 Station)	15
					17
					18
9:00am 9:30am CC-Municipal Court/ JdgHarper 9:30am 10:30am CC-VIPS/Volunteers in Police Service-BPalicki 6:00pm 7:30pm CC-American Red Cross Mtg/DJohnson-412-840; 7:00pm 10:00pm FH-FireTng/ChShrp (Fire Hall)	9:30am 9:40am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	6:00pm 7:00pm FH-Subrbn Fire Dist Mtg/RexAtwell 6:30pm 9:30pm CC-Seatbelt Class-PD/BPalicki	8:15am 9:00am CC-CmtyDevDpt Staff mtg/LLightle 10:00am 12:00pm CC- Site Plan Com Mtg/LauraLee Gray	7:00am 8:00am TV49-Coast Today w/City Officials &/or Employees (TV49 Station)	23
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7:00pm 10:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm 8:30pm CC-Council Mtg	9:30am 9:40am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	6:00pm 7:00pm CC-Victim's Impact Panel (247-2412) Curry Prevention Services/MLaird	8:15am 9:00am CC-CmtyDevDpt Staff mtg/LLightle 10:00am 12:00pm CC- Site Plan Com Mtg/LauraLee Gray 7:00pm 8:30pm CC-Parks & Rec Comm/ LBlodgett	7:00am 8:00am TV49-Coast Today w/City Officials &/or Employees (TV49 Station)	29
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COPY TO: Council Chambers, Fire Hall, Police Dispatch; Orig to SR

(CC=Council Chmbrs; FH=Fire Hall; BDP=BrkgsPoliceDep)

REVISED: 2/7/2002, 12:19 PM

# CITY OF BROOKINGS EVENTS CALENDAR Council Chambers and Fire Hall Use

## April 2002

April 2002							May 2002						
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22	23	24	25	26	27	28	26	27	28	29	30	31	

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
<p>9:30am 10:30am CC- VIPS/Volunteers in Police Service/BPalicki (Fire Hall)</p> <p>7:00pm 10:00pm FH-FireTng/ChShrp (Fire Hall)</p>	<p>9:30am 9:40am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)</p> <p>7:00pm 9:00pm CC-Planning Commssn</p>	<p>12:00pm 1:30pm Community Agencies mtg (Checco Sr.Center)</p> <p>7:00pm 9:00pm FH-PoliceReserves</p>	<p>8:15am 9:00am CC-CntyDevOpt Staff mtg/LLightle</p> <p>9:00am 10:00am Crime Stoppers</p> <p>10:00am 12:00pm CC- Site Plan Com Mtg/Lauralee Gray</p>	<p>7:00am 8:00am TV49-Coast Today w/City Officials &amp;/or Employees (TV49 Station)</p>	
<p>9:00am 10:00pm FH-FireTng/ChShrp (Fire Hall)</p> <p>7:00pm 8:30pm CC-Council Mtg</p>	<p>9:30am 9:40am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)</p> <p>3:00pm 4:00pm CC-HOPE Mtg/ Councilor Lorraine Kuhn</p>	<p>2:30pm 3:30pm FH-SafetyCom/Mtg/ HThompson</p>	<p>8:15am 9:00am CC-CntyDevOpt Staff mtg/LLightle</p> <p>10:00am 12:00pm CC- Site Plan Com Mtg/Lauralee Gray</p>	<p>7:00am 8:00am TV49-Coast Today w/City Officials &amp;/or Employees (TV49 Station)</p>	
<p>9:00am 9:30am CC-Municipal Court/ JdgHarper</p> <p>9:30am 10:30am CC-VIPS/Volunteers in Police Service-BPalicki</p> <p>6:00pm 7:30pm CC-American Red Cross Mtg/DJohnson-412-840;</p> <p>7:00pm 10:00pm FH-FireTng/ChShrp (Fire Hall)</p>	<p>9:30am 9:40am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)</p>	<p>6:00pm 7:00pm FH-Subrn Fire Dist Mtg/ResAtwell</p>	<p>8:15am 9:00am CC-CntyDevOpt Staff mtg/LLightle</p> <p>10:00am 12:00pm CC- Site Plan Com Mtg/Lauralee Gray</p>	<p>7:00am 8:00am TV49-Coast Today w/City Officials &amp;/or Employees (TV49 Station)</p>	
<p>7:00pm 10:00pm FH-FireTng/ChShrp (Fire Hall)</p> <p>7:00pm 8:30pm CC-Council Mtg</p>	<p>9:30am 9:40am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)</p>	<p>7:00pm 9:00pm CC-Budget Committee Meeting/Finance Dir. Phlughes</p>	<p>8:15am 9:00am CC-CntyDevOpt Staff mtg/LLightle</p> <p>10:00am 12:00pm CC- Site Plan Com Mtg/Lauralee Gray</p> <p>7:00pm 8:30pm CC-Parks &amp; Rec Comm/ Blodgett</p>	<p>7:00am 8:00am TV49-Coast Today w/City Officials &amp;/or Employees (TV49 Station)</p>	
<p>7:00pm 10:00pm FH-FireTng/ChShrp (Fire Hall)</p>	<p>9:30am 9:40am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)</p>				



# CITY OF BROOKINGS EVENTS CALENDAR Council Chambers and Fire Hall Use

## May 2002

May 2002							June 2002						
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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
		May 1 12:00pm 1:30pm Community Agencies mtg (Chetco Sr.Center) 7:00pm 9:00pm FH-PoliceReserves	2 8:15am 9:00am CC-CmtyDevDpt Staff mtg/LLightle 9:00am 10:00am Crime Stoppers 10:00am 12:00pm CC- Site Plan Com Mtg/LauraLee Gray	3 7:00am 8:00am TV49-Coast Today w/City Officials &/or Employees (TV49 Station)	4
6 9:30am 10:30am CC- VIPS/Volunteers in Police Service/BPalicki 7:00pm 10:00pm FH-FireTng/ChShrp (Fire Hall)	7 9:30am 9:40am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 7:00pm 9:00pm CC-Planning Commssn	8 2:30pm 3:30pm FH-SafetyComMtg/ HTHmpson	9 8:15am 9:00am CC-CmtyDevDpt Staff mtg/LLightle 10:00am 12:00pm CC- Site Plan Com Mtg/LauraLee Gray	10 Law Enforcement (Day/Week?) See Barb Pal 7:00am 8:00am TV49-Coast Today w/City Officials &/or Employees (TV49 Station)	11
13 7:00pm 10:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm 8:30pm CC-Council Mtg	14 9:30am 9:40am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 3:00pm 4:00pm CC-HOPE Mtg/ Councilor Lorraine Kuhn	15 6:00pm 7:00pm FH-Subrbn Fire Dist Mtg/RexAtwell	16 8:15am 9:00am CC-CmtyDevDpt Staff mtg/LLightle 10:00am 12:00pm CC- Site Plan Com Mtg/LauraLee Gray	17 7:00am 8:00am TV49-Coast Today w/City Officials &/or Employees (TV49 Station)	18
20 9:00am 9:30am CC-Municipal Court/ JdgHarper 9:30am 10:30am CC-VIPS/Volunteers in Police Service-BPalicki 6:00pm 7:30pm CC-American Red Cross Mtg/DJohnson-412-840; 7:00pm 10:00pm FH-FireTng/ChShrp (Fire Hall)	21 9:30am 9:40am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	22	23 8:15am 9:00am CC-CmtyDevDpt Staff mtg/LLightle 10:00am 12:00pm CC- Site Plan Com Mtg/LauraLee Gray 7:00pm 8:30pm CC-Parks & Rec Comm/ LBlodgett	24 7:00am 8:00am TV49-Coast Today w/City Officials &/or Employees (TV49 Station)	25
27 City Hall CLOSED - Memorial Day Holiday 7:00pm 10:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm 8:30pm CC-Council Mtg	28 9:30am 9:40am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	29	30 8:15am 9:00am CC-CmtyDevDpt Staff mtg/LLightle 10:00am 12:00pm CC- Site Plan Com Mtg/LauraLee Gray 6:30pm 9:30pm CC-Seatbelt Class-PD/BPalicki	31 7:00am 8:00am TV49-Coast Today w/City Officials &/or Employees (TV49 Station)	

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**CITY OF BROOKINGS**  
Planning Commission Vacancy  
Wednesday, January 16, 2002



# PRESS RELEASE

## PLANNING COMMISSION VACANCY

As a result of the City Council receiving a letter of resignation from Victoria Nuss, we now have one Planning Commissioner vacancy. This position's term (Pos. #4) expires April 1, 2005.

It is the policy of the City of Brookings that every vacancy on volunteer Boards and Commissions shall be made public so that interested citizens of the community may apply for appointment.

The Brookings Planning Commission meets monthly on the first Tuesday of each month at 7:00 PM in the Brookings City Hall Council Chambers. An average meeting will last approximately 2 hours.

This position is an unpaid, volunteer position. However, appointment to this position guarantees an invitation to one of Brookings' premier events - the City's ANNUAL VOLUNTEER SUMMER PICNIC at Azalea Park. If you are interested in being considered for this Planning Commission position, please send a completed application, which is available at City Hall between 9AM and 4:30PM, and a cover letter to Mayor Bob Hagbom, 898 Elk Drive, Brookings, Oregon 97415. Tell us about your background, including any volunteer work or positions you have held, in Brookings or elsewhere. Requests should be at City Hall before 12:00 Noon on Monday, February 4, 2002.

The Council will act on this appointment at their meeting February 11, 2002. If you have any questions about the position, please call Mayor Bob Hagbom at 469- 0150 or City Manager Leroy Blodgett at 469-2163. Thank you for considering a volunteer committee appointment with the City of Brookings.

## FOR IMMEDIATE RELEASE

For further information contact Sharon Ridens at Brookings City Hall at 469-2163, extension 204.

### City of Brookings

Phone (541) 469-2163 FAX (541) 469-3650

898 Elk Drive, Brookings, OR 97415 ♦ E-mail – [city@brookings.or.us](mailto:city@brookings.or.us)

**FAXED NOTICE SENT TO:** Curry Coastal Pilot, KURY, KCRE, KPOD, KBSC-TV49, The World, The Triplicate, Curry County Reporter, Chetco Public Library, Port of Brookings-Harbor, Brookings-Harbor Chamber of Commerce, Brookings-Harbor School District, SWOCC, Brookings Police Department, City Council, posted at City Hall. DATED: 1/16/02



25 JANUARY 2002

MAYOR BOB HAGBOM

898 ELK DRIVE

BROOKINGS, OREGON 97415

DEAR MAYOR HAGBOM,

IT WOULD BE A PLEASURE AND PRIVILEGE, TO HAVE YOU SUPPORT MY  
APPLICATION TO A POSITION ON THE BROOKINGS PLANNING COMMISSION.

I BELIEVE WE HAVE WORKED WELL TOGETHER IN THE PAST, AND FEEL WE  
CAN WORK WELL TOGETHER IN THE FUTURE.

RESPECTFULLY,

A handwritten signature in cursive script that reads "Rex Atwell".

REX ATWELL

P.O. BOX 6364

BROOKINGS, OREGON 97415

541-469-4663



## City of Brookings

Phone (541) 469-2163

FAX (541) 469-3650

E-mail - [www.brookingsor.org](http://www.brookingsor.org)

898 Elk Drive ♦ Brookings, OR 97415

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

Name: REX ATWELL

Date: 25 JANUARY 2002

Physical Address: 17169 PARKVIEW DRIVE BROOKINGS, OREGON

Mailing Address: P.O. BOX 6364 BROOKINGS, OREGON Phone: 541-469-4663

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

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

☒ Planning Commission ..... (4 year term, appointed by Council)

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

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

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

☐ Other (Please list): \_\_\_\_\_

1. Resident of City of Brookings since: Month: DEC. Year: 1981

2. Please briefly explain why you wish to serve the community in this capacity and what prior experience, community service, or background you have in this area. (Attach additional sheets if needed.) \_\_\_\_\_

TO RELATE AND DEBATE COMMUNITY CONCERNS. IT HAS BEEN AN

EXCITING EXPERIENCE FOR ME TO BE INVOLVED IN THE COMMUNITY

(Continued on back)



2. Continued: UP TO THIS POINT. I. FEEL I MAY HAVE SOMETHING

CONSTRUCTIVE TO LEND TO THE PLANNING COMMISSION.

MEMBER OF THE LYNWOOD, CALIF. PLANNING COMMISSION

CHAIR PERSON CURRY COUNTY HEALTH DISTRICT

CHAIR PERSON SOUTHERN CURRY AMBULANCE ASSOCIATION

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

CHAIR PERSON SUBURBAN RURAL FIRE PROTECTION DISTRICT CURRENT

CHAIR PERSON 9-1-1 PSAP COMMITTEE BROOKINGS CURRENT

REAL ESTATE BROKER (REX ATWELL REAL ESTATE) CURRENT

METROPOLITAN COLLEGE LOS ANGELES, CALIF.

LOYOLA UNIVERSITY LAW CURRICULUM LOS ANGELES, CALIF.

SPECIAL FORCES WWII - TWENTY YEARS U.S. ARMY SERVICE

FOUR YEARS CANADIAN ARMY

POLICE COMMISSIONER LYNWOOD, CALIF. - LYNWOOD POLICE DEPT. FIXED

WING PILOT. SELF EMPLOYED FINANCIAL AUTO LOAN CORP. - CREDIT

BUREAU AND COLLECTION AGENCY LOS ANGELES, CALIF AREAS

LICENSED DRIVING SCHOOL OPERATOR. LICENSED REAL ESTATE REALTOR  
AND INSURANCE AGENT LOS ANGELES, CALIF.

4. Please list three references:

NAME:

ADDRESS:

PHONE:

A. JOHN BISHOP LT. BROOKINGS POLICE DEPT.

B. SHERIFF KENT OWENS GOLD BEACH SHERIFF'S DEPT.

C. SAM HALL BROOKINGS, OREGON

5.

Ref Atwell  
Signature

JANUARY 25, 2002  
Date

## **ERNEST L. COFRANCES**

PO BOX 1751  
17328 LaBonte Lane  
Brookings, OR 97415-0046  
541-442-7366  
ecfrancesE@aol.com

January 31, 2002

### **2. COMMUNITY SERVICE**

Due to the job requirement, I have had to confer with local city, town, county and state officials in my regions of work on land planning and environmental matters. After retirement i was on the P.R.I.D.E. Committee, Town of Paradise Valley, AZ where I resided. Presently, I am a member of the Siskiyou Resource Advisory Committee (RAC).

### **3. EDUCATION**

University of Florida, Gainesville, FL; graduated in 1951 Bachelor of Landscape Architecture.  
Licensed to practice in New York State (NO. 196) and State of Mass.(30334).

### **MILITARY SERVICE**

U.S.A.A.F.-1944 - 1946 Combat Crew Member  
U.S.A.F. - 1952 - 1953, recalled to active duty - 1st Lt. Installations Engineer  
U.S.A.F.R. - retired Major from reserves 1973

### **EMPLOYMENT**

HUD/FHA Regional Land Planning and Environmental Advisor 1958-1975. New York Regional office. Transferred to San Francisco Regional and assigned to work in the Arizona and Nevada areas stationed in Phoenix, AZ insuring office. As the principal Land Planner and environmental matters, I provided technical assistance, guidance, training and processing support for single and multi-family proposals. In addition, I conferred, advised and coordinated land planning and environmental matters with builders, mortgages, V.A., local city, town, county and state officials.  
Retired Oct. 1983 - self employed HUD/FHA fee panel, Phoenix, AZ insuring office. Assigned to appraise new and existing one to four single family homes and inspect new construction regarding single family homes and multi-family projects.



## City of Brookings

Phone (541) 469-2163

FAX (541) 469-3650

E-mail - [www.brookingsor.org](http://www.brookingsor.org)

898 Elk Drive ♦ Brookings, OR 97415

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

Name: ERNEST L. COFRANCES Date: 30 JAN. '02

Physical Address: 17328 LABONITA LANE

Mailing Address: P.O. BOX 1761 BROOKING, OR. 97415 Phone: (541) 412-7238

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

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

1. Resident of City of Brookings since: Month: DEC. Year: 1999

2. Please briefly explain why you wish to serve the community in this capacity and what prior experience, community service, or background you have in this area. (Attach additional sheets if needed.) SEE ATTACHE SHEETS

(Continued on back)

2. Continued: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

~~TO: NAME~~ ~~ADDRESS~~  
~~DATE~~  
~~REMARKS~~  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Please list three references:

NAME:	ADDRESS:	PHONE:
A. <u>Jim Lamb</u>		
B. <u>Richard Stonaker</u>		
C. <u>Charles D Fuller</u>		

5. Ernest H. Cofrances 30 JAN. 1902  
Signature Date

Box 323

# MARICOPA COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT

111 S. 3rd. Avenue, Room 300, Phoenix, Arizona 85003 — Phone (602) 262-3201



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
RECEIVED

JUL 29 1980

July 14, 1980

URBAN DEVELOPMENT

## MEMORANDUM:

TO: Subdivision Regulation Committee (As Noted Below)

FROM: Lovatt Burges, Chairman *for Mr. Burges*

SUBJECT: SUBDIVISION REGULATION REVISION SUBCOMMITTEE APPOINTMENTS

At the meeting of July 10, 1980, a summary of principle concerns of the Committee to this point was reviewed. It was agreed that eight (8) topics would be assigned to subcommittees for review. A list of topics and chairmen of the subcommittees is attached along with a current roster of the full Committee. If you can not, for any reason, work on the task assigned please let me know promptly.

Each chairman is free to contact other members and request their assistance. Naturally if anyone wishes to serve with any particular group, volunteers are welcome. We are striving to have reports from each subcommittee with specific recommendations at the next meeting which will be on September 11, 1980, at the regular time and place.

Should any of you feel that we have overlooked an important topic, please contact me in order that we can arrange for the inclusion of that topic among our reports.

As we discussed at a previous meeting I am hopeful of sending our final recommendations to the Planning and Zoning Commission in October.

kem

## Distribution

Mr. Busey  
Mr. Cofrances  
Mr. Fisher  
Mr. Kirk  
Mr. Liem  
Mr. Mettler  
Mr. Minchew  
Mr. Simonson

Mr. Pierson  
Mr. Roberts  
Mr. Robson  
Mr. Ryan  
Mr. Tower  
Ms. Watson  
Mr. Wilmot  
Mr. Waters

Mr. McCall  
Mr. Schulke  
Mr. Nicholls  
Mr. Stansel  
Mr. Pierce  
Mr. Wilson



SUBDIVISION REGULATION REVISION SUBCOMMITTEES AND CHAIRMEN

I.	Assurance Requirement Procedures	George Kirk
II.	State Real Estate Department Report (Letter)	Doug Simonson *Richard Nicholls
III.	Water Supply Requirements - Fire Flow Requirements	John Stansel
IV.	Septic Sewage Disposal Systems - Lot Size Requirements and Guidelines	Harold McCall *Harry Crohurst, Health Department
V.	Deed Restrictions	Lovatt Burges *Harold McCall
VI.	Private Streets	Cecil Apperson *Ernie Cofrances *Lew Wilmot
VII.	Flag Lots and Substandard Lots	Maricopa County Planning Staff
VIII.	Retention and Detention of Storm Water	Ernie Cofrances *Dick Mettler

\*Other committee members recommended  
Without asterisk are recommended chairmen

SUBDIVISION REGULATION COMMITTEE

Mr. George W. Busey  
Litchfield Park Properties  
111 West Indian School Road  
Phoenix, AZ 85340  
935-3836

Mr. Don Pierson Jr., P. E.  
Hook Engineering Inc.  
3511 East Indian School Road  
Phoenix, AZ 85018  
956-3200

Mr. Lovatt Burges  
CHAIRMAN  
Business: 965-7639  
Res: 838-2690

Mr. Ernest L. Cofrances  
Department of Housing and  
Urban Development  
Phoenix, Arizona 85003  
261-4465 or 261 4451

Mr. Dennis L. Roberts  
D & R Realty and Development  
1540 East McKellips Road  
Mesa, AZ 85203  
962-1540

Mr. Harold McCall  
4702 W. Misty Willow Lane  
Glendale, AZ 85301  
Bus: 277-1512  
Res: 932-1287

Mr. George A. Kirk, President  
Ladco, Incorporated  
3809 East Indian School Road  
Phoenix, Arizona 85018  
994-0547

Mr. Thomas W. Ryan, P. E.  
Del E. Webb Development Co.  
Post Office Box 1705  
Phoenix, Arizona 85016  
974-7011

Mr. Richard B. Nicholls  
Arizona State Real Estate  
1645 West Jefferson  
Phoenix, Arizona 85007  
255-4345

Mr. Donald R. Liem  
Knoell Homes  
Post Office Box 21287  
Phoenix, AZ 85036  
273-7101

Mr. Phil Tower  
McLoone, Theobald & Galbut  
2627 East Thomas Road  
Phoenix, AZ 85016  
957-1810

Mr. John W. Stansel  
PRC Touns  
4131 North 24th Street  
Phoenix, AZ 85016  
954-9191

Mr. Richard E. Mettler  
Home Builders Association of  
Central Arizona  
4621 North 16th Street, Ste. 118  
Phoenix, AZ 85016 274-6545

Ms. Laura M. Watson  
Skyla Petersen Properties  
500 West Broadway  
Tempe, AZ  
967-7000

Mr. C. Michael Pierce  
Burch & Cracchiolo, P. A.  
2333 North Central Avenue  
Phoenix, AZ 85004  
252-7701

Mr. Weldon Minchew  
The Minchew Corporation  
4327 North Scottsdale Road  
Scottsdale, AZ 85251  
947-1278

Mr. Lewis Wilmot  
Presley of Arizona  
11240 Beaver Tail Drive  
Phoenix, AZ 85044  
893-1000

Mr. Max Wilson  
Design Master Homes Inc.  
3805 North 34th Avenue  
Phoenix, AZ 85017  
272-5558

Mr. Douglas Simonson  
Pinnacle Peak Developers  
8711 East Pinnacle Peak Road  
Scottsdale, AZ 85255  
992-4860

Mr. John Waters  
3131 E. Hillery  
Phoenix, AZ 85046  
971-8509

Mr. Edward J. Robson  
Sun Lakes Properties, Inc.  
25601 Sun Lakes Boulevard  
Sun Lakes, AZ 85224  
963-6335

Mr. Robert Schulke  
c/o Westside Associates  
314 North Central Avenue  
Avondale, AZ 85323  
Bus: 932-2705

Mr. William M. Fisher  
MCO Properties Inc.  
16838 East Palisades Boulevard  
Fountain Hills, AZ 85268  
1 927 0660

March 20, 1979

9.6HTE:Cofrances

Dr. William J. Murtagh  
Keeper of the National Register  
Office of Archaeology & Historic Preservation,  
Heritage Conservation & Recreation Service  
U.S. Dept of the Interior  
440 G Street, N.W.  
Washington, D.C. 20243

Re: Southern Palms Unit 4 Subdivision  
Baseline Road & Hardy Drive  
Tempe, Arizona  
FHA File No. 2825  
SAI 78-85-0353

Dear Mr. Murtagh:

Pursuant to 36 CFR 63.3 this office is requesting the determination of eligibility for the above titled proposal. Arizona State University has prepared a site description and the State Historic Preservation Officer's Statement recommending eligibility for inclusion in the National Register of Historic Places is enclosed for your review.

The Advisory Council on Historic Preservation is being advised of this proposed undertaking for comments as required.

The following documentation is enclosed for determination of eligibility:

1. The letter of 12/5/78 to Suggs Homes, Inc. for ASU.
2. The research proposal prepared by ASU ("Archaeological Investigations at Ciudad de Los Hornos").
3. The State Historic Preservation Officer's Comments.
4. Documentation on the archaeological site prepared by David Wilcox, Dept. of Anthropology, ASU}

Sincerely,

Ernest L. Cofrances  
Environmental Advisor

9.6HTE:Cofrances:afd 3-20-79

cc:  
Supv.  
Schubert  
Byram  
4451

9.6HTE

ELCofrances

# Chicanos Por La Causa, Inc.

2333 East University Drive • Phoenix, Arizona 85034

NOEL FIDEL  
Chairman

(602) 267-0453  
257-0700

TOMMY ESPINOZA  
PRESIDENT

December 10, 1979

Mr. Ernie Cofrances  
HUD/FHA  
Arizona Bank Building  
101 N. 1st Avenue, Suite 1701  
Phoenix, AZ 85003

Dear Mr. Cofrances;

This is in follow-up to our telephone conversation of December 7, 1979.

Mr. John Evans recommended I contact your office and request information and assistance insofar as FHA's regulations on noise pollution:

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This area is also known as Target Area "D" under the Community Development Block Grant Program, and is presently receiving minor rehab by our agency under contract with the City of Phoenix.

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Your assistance in determining whether FHA insurance is available in this area or if regulations prohibit the use of any federal dollars, will be appreciated.

DEC 12 1979

DEPT OF HOUSING &  
URBAN DEVELOPMENT  
PHOENIX, ARIZONA

Mr. Ernie Cofrances  
December 10, 1979  
Page Two

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Respectfully,

*Arturo Portillo by sm*

ARTURO PORTILLO  
Housing Counseling Director

AP:sm

Enclosures

cc: John Evans, Supervisor  
HUD Phoenix Insuring Office

RECEIVED

DEC 12 1979

DEPT OF HOUSING &  
URBAN DEVELOPMENT  
PHOENIX, ARIZONA



WARREN G. MAGNUSON, WASH., CHAIRMAN

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HARRISON SCHMITT, N. MEX.

## United States Senate

COMMITTEE ON APPROPRIATIONS  
WASHINGTON, D.C. 20510

June 5, 1980

Lawrence B. Simons  
Assistant Secretary for Housing  
Federal Housing Commissioner  
451 7th St. S.W.  
Washington, D.C. 20410

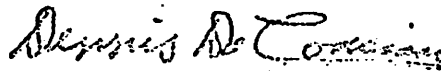
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Mr. Thornton was concerned regarding flood plains residential housing damage in the McCormick Ranch area. He spoke with Mr. Cofrances, and told me "his explanation of FHA related tasks and mission concerning same was so satisfying that he ought to be complimented."

I am most happy to convey Mr. Thornton's appreciation to you for the performance of this employee.

Sincerely,



DENNIS DECONCINI  
United States Senator

DDC/smq

JUN 9 3 02 PM '80

6/9/80

FAKED 7/30/81

Richard H. Brown, Director,  
Office of Environmental Quality, CS

July 30, 1981

Ernest L. Cofrances, Architecture &  
Engineering Br., 9.6FDE

Revised Draft ECO 2/3 and Draft Environmental  
Assessment Guide for Housing Projects

As per your request, our staff has reviewed the revised draft of the ECO 2/3 format, along with the draft for conducting environmental assessments for housing projects.

The review at this time indicates that there are no objections to the new forms except for one item. The item that requires clarification is under item 9. H Supplementary Information, category 2. Participating Staff, it presently appears to be set up for the field inspection to be conducted by persons other than the preparer (fee appraiser?). The comment is primarily that a staff appraiser (preparer) is to make the determination on Sec. B-2 of the ECO 2/3 without having seen the subject site. This is considered by our staff as totally unacceptable.

We recommend that comments be requested by your office after three months of implementation of the revised ECO 2/3.

Environmental Advisor

cc: 9.6F Supr. Chrono  
File: Environmental File  
Chrono  
Val Br.

9.6FDE Cofrances/en 07/30/81 Ext. 4465

Mail Control #214022

ORIGINATOR	CONCURRENCE	CONCURRENCE	CONCURRENCE	CONCURRENCE	CONCURRENCE
9.6FDE	9.6FDE	9.6FDV			
Cofrances	King	Schubert			
etc 7/30/81	7/30/81	7/30/81			

ous edition is obsolete

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
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HUD-713 (4-80)

**Donnell  
Properties**

U.S. DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT

July 15, 1980

Mr. Ernest L. Cofrances, Jr.  
Site Planning Landscape Architect  
Federal Housing Administration  
101 N. 1st Ave.  
Phoenix, AZ 85003

RE: TIERRA BUENA TOWNHOMES

Dear Mr. Cofrances,

Thank you for your interest in our project, Tierra Buena. Your thoughtful comments and suggestions are appreciated. Our goal is to provide the community with well designed, aesthetically attractive, comfortable and affordable townhomes. Your guidance from the outset will help us achieve this goal.

We have applied for P.A.D. zoning and have been assured of approval. We are surrounded by R-3 land and the density (14.5 units/acre) will remain the same, so no one should object.

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We hope Tierra Buena will meet your approval. Thanks for your help and we'll be in touch.

Cordially,

  
Thomas P. Donnell

TPD:do

DEPARTMENT OF HOUSING AND  
RECEIVED  
JUL 18 1980  
URBAN DEVELOPMENT

December 14, 1979

Mr. Dale C. Carter  
Senior Vice-President  
WILLDAN ASSOCIATES  
1550 East Meadowbrook Avenue  
Phoenix, Arizona 85014

Dear Mr. Carter:

We greatly appreciate your request for comments regarding route selection for the proposed Pinnacle Peak to Papago Buttes 230 Kilovolt Transmission Line study.

It appears you are seeking additional categories that should be addressed in your Phase One review. While the categories you have included are satisfactory, this office would recommend the additional categories:

1. Safety - structures, site hazards and electric field effects above and/or underground on existing or future housing adjacent to the proposed routes.
2. Physiological Well-being - noise emissions from transmission line.
3. Easements or Rights-of-Way - will this electric transmission line be further impacted by future development of other transmissions facilities within the route widths.

If I can be of any additional assistance, please call me at 261-4434

Sincerely,

cc:  
Supervisor  
Environmental

Ernest L. Cofrances  
Land Planner

9.6HTE:Cofrances:jb

12/14/79

Ext. 4465

CORRE- SPON- DENCE CODE	ORIGINATOR	CONCURRENCE	CONCURRENCE	CONCURRENCE	CONCURRENCE	CONCURRENCE
	9.6HTE					
Name	ECofrances					
Date	12/14/79					

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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HUD-713 (7-75)

U.S. GOVERNMENT PRINTING OFFICE: 1979-292-920

# MARICOPA COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT

111 S. 3rd. Avenue, Room 300, Phoenix, Arizona 85003 — Phone (602) 262-3201



September 23, 1980

U.S. DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT  
RECEIVED  
1980 SEP 30 AM 6:28  
PHOENIX, ARIZONA

## MEMORANDUM:

TO: Distribution List Attached

FROM: Don E. McDaniel, Jr., Director, Department of Planning  
and Development

SUBJECT: PROPOSED HILLSIDE ORDINANCE ADDITION TO MARICOPA  
COUNTY ZONING ORDINANCE

At its regular meeting on September 18, 1980, the Maricopa County Planning and Zoning Commission directed the Department of Planning and Development to communicate with and receive input from representatives of organizations within the "land development industry" (i.e., architects, builders, real estate interests, etc.) concerning the above proposal.

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Thank you in advance for your input.

DEM/RB/kem

ATTACHMENTS

DISTRIBUTION LIST

American Institute of Architects, Arizona Society  
Structural Engineer Association of Arizona, G. Prinski  
American Society of Civil Engineers  
Associated General Contractors of America, Arizona Chapter  
Home Builders Association of Central Arizona  
American Planning Association, Arizona Chapter  
Arizona Association of Realtors  
American Engineering Company  
Presley of Arizona (Ahwatukee), Mr. Lou Wilmot  
Pinnacle Peak Developers, Mr. Jerry Nelson  
\* Federal Housing Administration, Housing and Urban Development,  
Mr. Ernest Cofrances  
Archectural Development Concepts, Limited, Russ Winkelman



# Chicanos Por La Causa, Inc.

2333 East University Drive • Phoenix, Arizona 85034

NOEL FIDEL  
Chairman

(602) 267-9453  
257-0700

TOMMY ESPINOZA  
PRESIDENT

December 10, 1979

Mr. Ernie Cofrances  
HUD/FHA  
Arizona Bank Building  
101 N. 1st Avenue, Suite 1701  
Phoenix, AZ 85003

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DEPT OF HOUSING &  
URBAN DEVELOPMENT  
PHOENIX, ARIZONA

Mr. Ernie Cofrances  
December 10, 1979  
Page Two

Because of time constraints placed on our agency to submit this proposal for A-95 review, your understanding is solicited in asking for a prompt response.

Respectfully,

*Arturo Portillo by sm*

ARTURO PORTILLO  
Housing Counseling Director

AP:sm

Enclosures

cc: John Evans, Supervisor  
HUD Phoenix Insuring Office

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DEPT OF HOUSING &  
URBAN DEVELOPMENT  
PHOENIX, ARIZONA

WARREN G. MAGNUSON, WASH., CHAIRMAN

STANLEY, MISS.  
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SAMUEL N. DODD, HAWAII  
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JAKE GARN, UTAH  
HARRISON SCHMITT, N. MEX.

## United States Senate

COMMITTEE ON APPROPRIATIONS  
WASHINGTON, D.C. 20510

June 5, 1980

Lawrence B. Simons  
Assistant Secretary for Housing  
Federal Housing Commissioner  
451 7th St. S.W.  
Washington, D.C. 20410

Dear Mr. Simons:

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*Dennis DeConcini*

DENNIS DeCONCINI  
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DDC/smq

JUN 9 3 02 PM '80

6/9/80

FAKED 7/30/81

Richard H. Brown, Director,  
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July 30, 1981

Ernest L. Cofrances, Architecture &  
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Environmental Advisor

cc: 9.6F Supr. Chrono  
File: Environmental File  
Chrono  
Val Br.

9.6FDE Cofrances/en 07/30/81 Ext. 4465

Mail Control 214022 #44650

RE- F- NCE DE	ORIGINATOR	CONCURRENCE	CONCURRENCE	CONCURRENCE	CONCURRENCE	CONCURRENCE
	9.6FDE	9.6FDE	9.6FDV			
	Cofrances	King KK	Schubert			
	ESC 7/30/81	7/30/81	7/30/81			

**Donnell  
Properties**

U.S. DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT

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December 14, 1979

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cc:  
Supervisor  
Environmental

Ernest L. Cofrances  
Land Planner

9.6HTE:Cofrances:jb

12/14/79

Ext. 4465

CORRESPONDENCE CODE	ORIGINATOR	CONCURRENCE	CONCURRENCE	CONCURRENCE	CONCURRENCE	CONCURRENCE
	9.6HTE					
Name	ECofrances					
Date	12/14/79					

Use previous edition

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICIAL RECORD COPY

HUD-713 (7-75)

U.S. GOVERNMENT PRINTING OFFICE: 1979-292-920



# MARICOPA COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT

111 S. 3rd. Avenue, Room 300, Phoenix, Arizona 85003 — Phone (602) 262-3201



September 23, 1980

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Presley of Arizona (Ahwatukee), Mr. Lou Wilmot  
Pinnacle Peak Developers, Mr. Jerry Nelson  
Federal Housing Administration, Housing and Urban Development, \*

Mr. Ernest Cofrances  
Architectural Development Concepts, Limited, Russ Winkelman

To: Architectual Staff

From: Ernest L. Cofrances, Site Planner

SITE PLANNING CONSIDERATIONS  
IN CONNECTION WITH  
PLACING STRUCTURES ON STEEP SLOPES & GRADING

As a starting point in site planning the area as a whole must be studied with regard to building placement, circulation system, parking and recreation facilities -- all in good relation to each and to other factors inherent in the problem. The site plan is a complex thing and underestimating its importance risks success of a project. It is shaped by climate, economics, building types, cost of utilities, waste collection, operation and maintenance. All of these must be correlated to produce a simple, livable environment so organized as to serve everyday needs of families to be housed.

The perfect site seldom exists. At time of site selection judgment must be made as to those limitations which preclude satisfactory development and to those site defects which must be brought within acceptable standards or must be accepted as minor but necessary evils. The lines of demarcation are not always clear cut and much depends on cost. If adverse topographic conditions make choice of a site doubtful, feasibility conclusions must take into account two basic considerations.

1. Are the necessary improvements technically feasible?
2. Is the cost of remedial measures feasible within the economic range of the proposal.

Topography affects both site improvement costs and livability. Steep slopes usually increase costs and make convenient land use difficult. Definition of steep slope varies in different localities - slopes that are considered buildable in an area located on steep hills would not be so considered in predominatly level

regions. Although the cost of rough land may be less, experience has shown to cost more to grade and make useable than final improvement costs are higher than if more expensive but more suitable land were purchased.

The prevalence of grades above 5% always has a definite bearing upon planning of the site - that is building placement, location of streets, drives, parking areas, walks, recreation facilities and in the design of the drainage system. Grades steeper than 7 or 8 percent introduce a special problem in dwelling unit design though the particular type selected is determined by the density desired and by other controlling factors. If there is a choice between short and long buildings on a steep slope, the smaller type minimize grading and drainage costs.

A good example of this is clustering or grouping of buildings. Recent innovations in both local regulations and our own standards encourage this type of development. It is commonly referred to as density zoning or planned unit development. It offers great flexibility in site design by getting away from traditional lot by lot regulations and achieves economy both in earth moving and utility installation. Tilted up slope or down slope this kind of planning provides good drainage through centrally located driveways.

A basic concept regarding building placement is to follow natural contours, but this is general principle only and not a rule to be followed blindly. Small buildings can be dotted along a slope without much change in natural grade but long row houses and large apartments can follow only the general sweep of the surface. Where slopes have been steep the following schemes have been used:

1. Building placed on nearly level terraces cut into the hillside:

streets are either parallel to the buildings and substantially parallel to the contours as the maximum practicable gradient permits.

2. Buildings are built in a series of steps following streets which oppose the contours. This is a desirable expedient and one that is frequently seen in hill towns. Although building costs often are increased, site improvement costs are substantially reduced.
3. Hillside units are used. Those act as retaining walls to take up the difference in elevation between front and rear yards, usually about half as much as a three story height.

A circulation system for both vehicular and pedestrian traffic cannot be considered as an isolated factor in connection with building placement. They are major site elements which functionally provide access not only for residents but for all those who serve the development. Among the principle uses of the vehicular circulation system are

1. Daily activities of residents
2. Deliveries and collections - including furniture moving, mail and refuse
3. Other services - fire, police, snow removal, ambulance and hearse.

Suitably located parking facilities is an integral part of this vehicular circulation system. Among the many factors affecting the success of this facility, convenience is perhaps the most important. If garage or parking space is in an out of the way location residents use driveway space nearest to his entrance.

Method of refuse collection has a direct bearing on the distance from dwelling to vehicular way. When collection stations are used local custom and climatic conditions determine the distance tenants can be expected to walk in order to dispose garbage. This and consideration of carrying heavy parcels are the basis for the generally accepted standard of 100 ft. maximum distance to vehicular way.

A system of continuous main walks connected to dwellings and accessory site uses by service walks should be planned for safe and convenient pedestrian circulation. In addition to providing for usual pedestrian destinations, walks are used for skating, riding bicycles, other wheeled toys and baby carriages. Well designed walks and driveways are perhaps the most economical and effective method of increasing amenity of a development.

It should be born in mind that all major technical decisions of design will be influenced by the site - its shape, its location and other physical characteristics. At the time of site selection thought must not only be in terms of constructing x number of dwellings but also to the planning and technical difficulties that lie ahead.

The relationship of grading and the component parts of the site plan have been mentioned in a general way. The necessity for the skillful handling of this phase of site planning - the third dimension - cannot be overstressed.

The objective of grading is to create economical and useable building sites - to control flow of surface water - avoid damage to project - to fit each land use at a useable slope - reduce cost of ground maintenance and to create visual appeal. Essential data necessary to reconcile grading with existing conditions include an accurate topographic survey supplemented by test borings.

In rare cases there may be justification for changing the fundamental character of the land. However, the best planned projects are those where peculiarities of the land were made their chief virtues. In such cases the site as well as the buildings were planned to enhance, rather than to conceal their three dimensional qualities. Each design consideration takes its place in the organization of the site plan and must function properly if an adequate

environment is to be produced.

It is hoped this brief review of some of the basic elements of site design will stimulate thought on the special nature and the combination of different problems that are faced. Your comments will be appreciated and I shall be pleased to discuss any questions you may have.



## CERTIFICATE OF APPRECIATION

WHEREAS, the Town of Paradise Valley wishes to recognize the valuable contribution and service rendered by

ERNEST L. COFRANCES

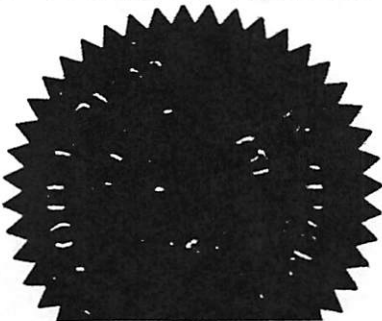
as a Town Volunteer on the

P.R.I.D.E. COMMITTEE

WHEREAS, the Town of Paradise Valley wishes to express its thanks for your efforts, and the unselfish contribution of your personal time toward the betterment of this community,

NOW THEREFORE BE IT RESOLVED, that the Mayor and the Town Council of the Town of Paradise Valley, Arizona, do hereby extend this expression of grateful acknowledgement and sincere appreciation for your dedication and commitment to the Town.

PASSED AND ADOPTED by the Mayor and the Council of the Town of Paradise Valley, Arizona, this 28th day of October, 1993.



J. David Hann, Mayor





**TOWN OF  
PARADISE VALLEY**

6401 EAST LINCOLN DRIVE  
TOWN OF PARADISE VALLEY, ARIZONA 85253

**BUS. PHONE: (602) 948-7411**

**FAX: (602) 951-3715**

**RES: (602) 840-8695**

**OFFICE OF:**

**J. DAVID HANN, MAYOR**

**October 29, 1993**

**Mr. Ernie Cofrances  
5617 69th Place  
Paradise Valley, AZ 85253**

**Dear Ernie:**

We were sorry you were unable to be with us last evening. The Town Council recognized and thanked the volunteers, like you, who so generously contribute their time and efforts to benefit the Town. Bill Keane's humorous comments on volunteers and "volunteerism" were the highlight of the evening.

The efforts you and the other volunteers make in support of the Town activities and in planning for the future often goes unrecognized. We want you to know we do appreciate the time and thought you give.

Enclosed is a resolution passed by the Town Council in appreciation of your service, along with a small gift certificate which can be used at the Desert Botanical Gardens.

While we are always mindful of the impact of volunteer activities on your time, we do hope we can continue to benefit from your help and support.

With sincere appreciation,

**J. David Hann, Mayor**

**JDH/nm  
93DH049.DOC**

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Phoenix Office, Region IX  
One North First Street, Third Floor  
Phoenix, Arizona 85004-2360

July 10, 1986

1013  
Ernest L. Cofrances  
5617 N. 69th Pl.  
Paradise Valley, AZ, 85253

Dear Mr. Cofrances:

SUBJECT: TOP TEN

The results of the Field Reviews for the past nine months are in and you rated among the top ten of the 160 Private FHA Appraisers.

Congratulations! Thank you!



Harold H. Helmers  
Chief Valuation Branch, 9.5HDV

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Phoenix Office, Region IX  
One North First Street, Third Floor  
Phoenix, Arizona 85004-2360

April 19, 1989

1013  
Ernest L. Cofrances  
5617 N. 69th Pl.  
Paradise Valley, AZ 85253

Dear Mr. Cofrances:

SUBJECT: TOP TEN

As you know, the performance of FHA appraisers is continually monitored for Quality, Timeliness, Professionalism, and Cooperativeness. Most weight is given to Quality.

The TOP TEN appraisers based upon composite ratings for appraisers who received at least five Field Reviews were:

Paul I. Artibey  
Lucius W. Boardman  
John T. Homer  
Robert McNutt  
Joseph M. Rush

Dean C. Barnett  
Ernest L. Cofrances  
Erick J. Larson  
Dennis P. Ross  
Jerome Yuhas

Congratulations!

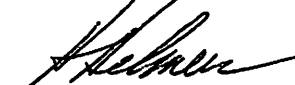
Your ratings are as follows:

The average Quality Rating was.....73.  
Your rating was 0.91

The average Timeliness rating was .87.  
Your rating was 1.00

The average Composite rating was...76.  
Your rating was 0.94

Very sincerely yours,



Harold H. Helmers  
Chief  
Valuation Branch, 9.5 HDV

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Phoenix Office, Region IX  
One North First Street, Third Floor  
Phoenix, Arizona 85004-2360

July 10, 1986

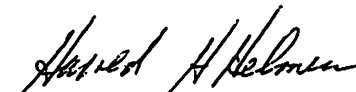
1013  
Ernest L. Cofrances  
5617 N. 69th Pl.  
Paradise Valley, AZ, 85253

Dear Mr. Cofrances:

SUBJECT: TOP TEN

The results of the Field Reviews for the past nine months are in and you rated among the top ten of the 160 Private FHA Appraisers.

Congratulations! Thank you!



Harold H. Helmers  
Chief Valuation Branch, 9.SHDV

January 23, 2002

Mayor Hagbom,

Please accept this as my request for your consideration and that of the City Council's for appointment to the present vacancy on the City's Planning Commission.

I have always enjoyed being involved in my community and would like to continue. I feel that my previous positions, both as Mayor and school board member, give me a rather unique view of the issues we face at the present and those that will need to be addressed in the foreseeable future.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Davis".

Tom Davis



## City of Brookings

Phone (541) 469-2163

FAX (541) 469-3650

E-mail - [www.brookingsor.org](http://www.brookingsor.org)

898 Elk Drive ♦ Brookings, OR 97415

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

Name: Tom Davis

Date: 1/25/02

Physical Address: 551 Spruce St.

Mailing Address: Box 6008

Phone: 469-9680

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

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

☒ Planning Commission ..... (4 year term, appointed by Council)

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

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

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

☐ Other (Please list): \_\_\_\_\_

1. Resident of City of Brookings since: Month: \_\_\_\_\_ Year: \_\_\_\_\_

2. Please briefly explain why you wish to serve the community in this capacity and what prior experience, community service, or background you have in this area. (Attach additional sheets if needed.) I have always enjoyed being involved in my community and would like to continue. Prior to this I have

(Continued on back)

**received**  
1-25-02

2. Continued: served in the following capacities:

1989-1990 - Parks & Rec / 1990-1992 - City Council  
1992-1996 - Mayor of Brookings / 1995-1996  
President of Oregon Mayors Assoc. / 1996 -  
2000 - Board member 17-C School District

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

Villanova Preparatory School - Ojai, Calif 1956-60  
University of Arkansas - Fayetteville AR 1960-62  
U.S. Navy - 1962-66  
University of Calif - Irvine - 1966-68  
Daybrook - Ottawa Ind. - Bowling Green Ohio 1968-72 <sup>General Foreman</sup>  
Transart Inds - Kennesaw Ga. 1972-75 - Plant Super.  
GLJ & Assoc. (ad agency) 1975-82 - Creative Director  
Moved to Brookings - 1983-84  
Vision Quest Studios - Owner - 1987-96  
To present - Self employed - Builder/Renovator.

4. Please list three references:

NAME:	ADDRESS:	PHONE:
A. <u>Les Cohen</u>	-	-
B. <u>Roger Haag</u>	.	-
C. <u>Bob Hagbom</u>	-	

5.

Tom Davis

Signature

1/25/02

Date

.....  
January 21, 2002

Mayor Bob Hagbom

Dear Sir:

My name is Desmond Robinson, and am a newly retired resident of Brookings Or. I am married, and live with my wife and mother-in-law. I worked for the Department of Mental Health, in the state of California for over 20 years, and in October of 1999, I suffered an Industrial Injury, which eventually resulted in my disability retirement. We moved to Brookings Or in July of 2000, and bought the "drive-in home" as everybody refers to it, up on Chinook Lane. I have owned land in Oregon for over 15 years, and had always planned to retire here. I love to fish, and have enjoyed Rv-ing to Oregon for many years.

In my duties as Unit Manager, at Patton State Hospital, I was appointed to the Health and Safety committee, and served on that committee for 4 years. This was a pro-active committee, identifying problem areas, and solutions. I also was a Quality Improvement Team Leader for four years. This involved problem identification, writing reports, and monitoring of solutions, tracking data, monitoring actions put into place, and reporting on results. I also served on the Planning committee, in the area of Security.

I also had a part time job that involved working in the community, for Loma Linda Hospital, 24 hours a week. I was certified to evaluate individuals that were a danger to self or other, and/or gravely disabled. This involved working with the various law enforcement Departments, going out on calls with the police, to emergency rooms, people's homes, to evaluate children, adolescents and adults, and elderly adults. Based on my recommendation, in conjunction with a doctor, the individual would or would not be place on a "72 hour" hold, for further Psychiatric evaluation.

I have recently been sponsored into the B.P.O.E. 1934, and am being considered for an officer appointment. The Elks do many volunteer functions in the community.

My goal is to "get involved" in the community in which I plan to spend the rest of my years. I believe that I have excellent people skills, get along well with others, and learn quickly. I realize I am new to Brookings, but I do feel that I have something to offer, time and effort.



January 21, 2002

Page 2

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Robinson', followed by a long horizontal line.

Desmond Robinson  
Retired

*[Click here and type slogan]*



# City of Brookings

Phone (541) 469-2163

FAX (541) 469-3650

E-mail - [www.brookingsor.org](http://www.brookingsor.org)

898 Elk Drive ♦ Brookings, OR 97415

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

Name: Desmond A Robinson Date: 1-21-01

Physical Address: 1755 E. Lincoln LANE Brookings OR 97415

Mailing Address: PO Box 12417 Brookings OR 97415 Phone: 541 469-1917

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

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

☒ Planning Commission ..... (4 year term, appointed by Council)

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

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

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

☐ Other (Please list): \_\_\_\_\_

1. Resident of City of Brookings since: Month: July Year: 01

2. Please briefly explain why you wish to serve the community in this capacity and what prior experience, community service, or background you have in this area. (Attach additional sheets if needed.) \_\_\_\_\_

see attached

(Continued on back)

2. Continued: \_\_\_\_\_

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

Lindsay High 1974 Tulare Co CA  
PVC AA 1976 MADA Co  
Rockwell Jr College LVPT 1978  
Rockwell State Hosp 1977-1978  
Placer State Hosp 1978-1981  
Placer State Hosp 1985-2000  
" 1985-1994 Lic Psyc Tech  
" 1993-1994 Shift Supervisor  
" 1994 to 2000 Unit Manager  
Loma Linda Behavioral Hosp 1992 to 2000  
LPT Consultant (Part time 24 hr wk)

4. Please list three references:

NAME:	ADDRESS:	PHONE:
A. <u>Keith County District</u> <u>Ret</u>		<u>Rd</u>
B. <u>Toy + Janet Kronmeyer</u>		<u>Dr</u>
C. <u>Carol Davis</u>		
<u>Brad Peters</u>		<u>3</u>

5.

[Signature]  
Signature

1-21-02  
Date



pc: Mayor,Council,DpHds,CtyMgr,LB,SR

ORGANIZATION	MEETING DATES AND TIMES	DATE APPOINTED	MEMBER DESIGNATE	TERM EXPIRES
<b>CITY OF BROOKINGS ORGANIZATIONS</b>				
Council - 4 yrs President Student Representative	2 <sup>nd</sup> and 4 <sup>th</sup> Mondays of each month	January 11, 1999 November 19, '01	Councilor Curry Noël Connelly, StdtRep	Dec, 31, 2004 Sept. 30, 2002
Budget Committee - 3 yrs	As set by Council	March 13, 1989 March 13, 1995 February 9, 1998 January 10, 2000 February 12, 2001	Harold Thiesen, #3, Chr Virginia Byrtus, #4 L. Lee Rogers, #5 Bruce Nishioka, #1 Stanley J. Baron, #2	February 1, 2004 February 1, 2005 February 1, 2005 February 1, 2004 February 1, 2004
Parks & Recreation Commission - 4 yrs	Monthly on fourth Thursday at 7 P.M.	February 23, 1998  October 18, 2001 August 23, 1999 February 10, 1997 February 9, 1998 February 12, 2001 February 22, 1999 October 14, 1996 November 19, '01	Councilor Johns, Council Liaison William A. Boynton, #5 Russ Fritz, #4 Craig Mickelson, #7, Ch Nina Canfield, #1 Dori Frost, #6 Lorraine Williams, #3 Paul Prevenas, #2 Lisa Nowlin, Stdt Rep	No Specific Term February 1, 2005 February 1, 2004 February 1, 2002 February 1, 2002 February 1, 2005 February 1, 2003 February 1, 2004 Sept. 30, 2002
Planning Commission - 4 yrs	Monthly on first Tuesday at 7 P.M.	June 12, 2000  March 27, 2000 March 16, 1987 March 9, 1998 January 10, 2000 March 27, 2000 December 11, 2000 February 25, 2002 November 19, '01	Councilor Kuhn, Council Liaison Jim Collis, #2 Ted Freeman, Jr., #1 Judi Krebs, #5 Richard Gyuro, #6-Chr Alfred Howe, #3 Randy Gorman, #7  Erin Gardner, Stdt Rep	No Specific Term April 1, 2004 April 1, 2003 April 1, 2002 April 1, 2001 April 1, 2004 April 1, 2003 April 1, 2005 Sept 30, 2002

<b>S.A.Y. Committee (Swim All Year)</b>	<b>As set by Council &amp; Committee</b>		<b>Councilor John, Council Liaison&amp;Chair Pool Sup J. Nelson 17C Rep Tom Davis P&amp;R Rep-C.Mickelson Helmut Bacher Betsy Ballin John Banuat Shawn Burke Frank Cembellin Anella Ehlers Bill Farrell Al Fenner Ron Griswold Buzz Hansen Sally Laasch Becky Lujan Joyce Miller</b>	<b>No Specific Term</b>
<b>Skate Park Committee</b>	<b>As set by Council &amp; Committee</b>	<b>August 7, 2000</b>	<b>Councilor Johns, Council Liaison Russ Johnson, Chair P&amp;R Chair-CMickelson CDD-Dir. LLightle BH RotaryRep-Shislop BH RotryRep-Bhansen City Manager Blodgett</b>	<b>No Specific Term</b>

<b>Downtown Development Committee</b>	<b>As set by Council &amp; Committee</b>	<b>August 13, 2001</b>	<b>City Manager Blodgett, Liaison</b>  Linda Kelly Tom Kerr Jay Patel, MD Tim Patterson Brian Scott	<b>No Specific Term</b>
<b>OTHER ORGANIZATIONS</b>				
<b>Capital Improvements / Expenditures Committee</b>		<b>October 26, 1998</b>	<b>Mayor Hagbom</b>	<b>No Specific Term</b>
<b>Chetco Community Agencies</b>	<b>Meet on 1<sup>st</sup> Wednesday of each month at Noon</b>		<b>Mayor Hagbom, Chair Full Council and City Manager</b>	<b>No Specific Term</b>
<b>Chetco River Watershed Council</b>	<b>First Wednesday of month 7:00 P.M., Chetco Ranger Station</b>	<b>September 26, 1994</b>	<b>Mayor Hagbom, Alt: Councilor Curry</b>	<b>No Specific Term</b>
<b>Coos-Curry-Douglas Business Development Corp.</b>	<b>Meet monthly on a Thursday morning in Coquille</b>	<b>June 13, 1994</b>	<b>Councilor Curry</b>	<b>No Specific Term</b>
<b>Curry County Recycling Committee</b>	<b>Meet second Thursday of month in afternoon in Gold Beach</b>	<b>June 25, 2001</b>	<b>Councilor Johns</b>	<b>No Specific Term</b>

# OTHER ORGANIZATIONS-Continued

Curry County Solid Waste Advisory Committee	Meet in Gold Beach as called		City Manager	No Specific Term
Curry Governments	Second Wednesday every other month beginning in January at 7:00PM in Gold Beach City Hall		Mayor, Full Council and City Manager	No Specific Term
Harbor Sanitary District	Meets monthly on 3 <sup>rd</sup> Tuesday at HSD at 4:00 P.M.	January 25, 1993	Councilor Dentino Alt: Mayor Hagbom	No Specific Term
H.O.P.E. - Healthy Opportunities for a Positive Environment	Meet 2 <sup>nd</sup> Tuesday of month in Council Chambers at 3PM	February 12, 2001	Councilor Kuhn	No Specific Term
LOC - Government Standing Committee	As Set by LOC	November 15, 1995	Councilor Dentino	No Specific Term
LOC - Legislative Committee	As Set by LOC	November 19, 2001	City Manager Blodgett	No Specific Term
LOC – Transportation Committee	As Set by LOC	November 9 2001	Mayor Hagbom	No Specific Term
L.P.S.C.C. (Local Public Safety Coordinating Council)	4 <sup>th</sup> Monday of each month at 3:00 p.m.	February, 2001	City Manager Blodgett	No Specific Term
OCZMA/ODOT Coastal Policy Advisory Committee on Transportation (CPACT)	As set by CPACT	April 24, 1995	Councilor Curry Alt: Mayor Hagbom	No Specific Term
Oregon Coastal Zone Management Association	Meet on Thursdays and Fridays - usually in Newport or Salem	Sept. 9, 1996	Councilor Curry Alt: Mayor Hagbom	No Specific Term
Pelican Bay Prison Advisory Council	2 <sup>nd</sup> Wednesday of every other even numbered month	February 22, 1999	Councilor Johns	No Specific Term



**OTHER ORGANIZATIONS-Continued**

<b>Port of Brookings-Harbor</b>	<b>Monthly on third Wednesday at 7PM</b>	<b>June 12, 2000</b>	<b>Councilor Dentino</b>	<b>No Specific Term</b>
<b>School Board (District 17C)</b>	<b>Monthly on third Monday</b>	<b>February 23, 1998</b>	<b>Councilor Johns</b>	<b>No Specific Term</b>
<b>Senior Center Board</b>	<b>Meet 1<sup>st</sup> Thursday of each month at Noon</b>		<b>Mayor Hagbom</b>	<b>No Specific Term</b>
<b>Southern Oregon Watershed Coordinating Council</b>		<b>January 14, 1994</b>	<b>Mayor Hagbom Alt: Councilor Curry</b>	<b>No Specific Term</b>
<b>Southwestern Oregon Community Action Committee</b>	<b>2<sup>nd</sup> Tuesday of the month at 6:30 pm in Coos Bay</b>	<b>July 23, 2001</b>	<b>Councilor Kuhn</b>	<b>No Specific Term</b>

# Memorandum

**TO:** Mayor and City Council  
**FROM:** John Bischoff, Planning Director  
**THROUGH:** Leroy Blodgett, City Manager  
**DATE:** February 5, 2002



**Issue:** An appeal of the Planning Commission's approval of an eleven lot subdivision creating a new private street, located in the southeast corner of where Dawson Rd. turns from an east/west alignment to a north/south alignment. The Planning Commission hearing was on December 4, 2001.

**Background:** The Planning Commission approved this subdivision based on the findings that the project met all of the criteria set forth in Section 176.060, Major Partitions and Subdivisions, of the Land Development Code. The appellant is appealing the Commission's approval based on the reasons stated in a 24 page statement that is included in your packet.

Your packet contains a staff report prepared for the appeal, materials submitted by the appellant, material submitted by the original applicant, materials from staff, the staff report prepared for the Planning Commission and the Final Order with conditions of approval adopted by the Commission.

Because of the volume of material in this packet, staff has chosen to use colored paper to distinguish the appeal from other items on the agenda. The appeal material is in *ivory* and the original Planning Commission material is in *green*.

## **QUASI JUDICIAL PROCEDURES**

- The role of the hearings body (city council):
  1. Determine and interpret the applicable criteria (typically, the term standard and criteria are used interchangeably);
  2. Listen to the testimony (testimony may only address the applicable approved criteria, testimony which does not address the approval criteria is irrelevant. Irrelevant testimony, no matter how persuasive, can not be considered to approve or deny the application);
  3. Determine the relevant facts from the conflicting facts;
  4. Apply the facts to the approval criteria;
  5. Make a decision for approval, approval with conditions or denial;
  6. Direct the preparation of findings which:
    - A Apply the facts to each approval criteria;
    - B. Support with analysis each of the criteria for approval/denial.
- The purpose of findings is to show that the criteria were applied and that the decision is not arbitrary. No magic words are required. What is required is:
  1. A statement of the applicable approval criteria;
  2. A statement of the relevant facts relied upon;
  3. A statement which applies the facts to the criterion and determines whether the criterion is satisfied or not, or can be satisfied by a condition of approval; and
  4. The evidence (facts) must be in the record to support the finding.
- Standards/criterion exist in many documents. For example, a comprehensive plan contains goals, policies, guidelines, strategies, and a map, all of which may be standards for a given action. Based on the plan, the local government adopts implementing ordinances and classifies land into districts. Within each district land use regulations allow certain land uses subject to certain standards and procedures. These regulations may be found largely in the land development code or in separate ordinances designed to implement the comprehensive plan.

- All issues raised should relate to approved criteria. Policies are not approved criteria. Once the hearings body (city council) discusses findings from a policy perspective, the door has been opened for discussion of that policy as an approved criteria. For example, a request for a zone change, a request for a building moratorium or broad based allegations of deficiencies in the land use planning process should be addressed outside of a quasi judicial hearing.
- A local decision must be supported by substantial evidence in the whole record and in situations where there is conflicting evidence, the city council may choose the evidence it believes, but it must be "substantial evidence". Substantial evidence is that evidence that a reasonable person would rely upon in reaching the decision.
- The requirement of findings to support land use decisions is central to the current land use system. The court's insist that parties have a right to know the criteria by which they will be judged, and an explanation of what the local decision maker "found" (the finding), when the criteria were applied to the facts.

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

SUBJECT: Appeal of Planning Commission Decision      REPORT DATE: February 7, 2002  
FILE NO: APP-3-01      ITEM NO: V.A  
HEARING DATE: February 11, 2002

---

**GENERAL INFORMATION**

APPELLANT:                      Walter Battaglia.

REPRESENTATIVE:              None.

REQUEST:                      An appeal of the Planning Commissions approval of a subdivision creating eleven lots ranging in size from 7,509 to 7,746 sq. ft. with an average size of 7,592.54 sq. ft.; File No. SUB-6-01.

TOTAL LAND AREA:              2.09 acres.

LOCATION:                      In the southeast corner of where Dawson Rd. turns from an east/west alignment to a north south alignment.

ASSESSOR'S NUMBER:              40-14-36BB, Tax Lot 5000.

**ZONING / COMPREHENSIVE PLAN INFORMATION**

EXISTING:                      R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size).

PROPOSED:                      Same.

SURROUNDING:                      All R-1-6.

COMP. PLAN:                      Residential.

**LAND USE INFORMATION**

EXISTING:                      Vacant.

PROPOSED:                      Residential lots.

SURROUNDING:                      Single family homes and vacant lots.

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



## **BACKGROUND INFORMATION**

The subject property is a 2.09-acre parcel of land located in the southeast corner of the intersection of the east/west alignment meets the north/south alignment of Dawson Rd. The property is essentially square except for a 14,540 sq. ft. notch out of the northeast corner. The subject parcel was created by a minor partition in 1996 (File No. M3-10-01) that broke off the northeast corner, which contains a single-family house. The property has 325.28 feet of frontage on the north/south Dawson Rd., and a southerly boundary of 324.60 feet. From the southeast property corner the easterly boundary extends north 214.84 feet, then turns west for 127.76 feet, then turns north again for 110.40 feet to the east/west Dawson Rd., and then west along Dawson 188.61 feet to the corner. The property is essentially flat with a gentle downward slope toward the southwest and is vacant.

Zoning for the subject property and the surrounding area is R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size), and the area is developed accordingly. East/west Dawson Rd. is a paved travel way within a 45-foot right of way with no other improvements adjacent to the subject property. North/south Dawson Rd. is a paved travel way within a 50-foot wide right of way to a point approximately 190 feet from the corner and then the right of way narrows to 45 feet in width from there south. At the time of the earlier partition, a 5-foot wide additional right of way dedication was received along both frontages of the subject property. A water and sewer main are located in both alignments of Dawson Rd.; however, the city cannot guarantee that sewer service will be available for future construction.

The Planning Commission approved the proposed subdivision on December 4, 2001. The Planning Commission Staff Report and the conditions of approval are attached to this report.

## **PROPOSED APPEAL**

The appellant is appealing the Planning Commissions approval of the subject subdivision based on the following statement: "Appellant contends the Commission erred in approving the application, as appellant believes certain findings of fact are incorrect and the Commission did not consider or correctly evaluate all germane evidence and applicable law as follows:" attached is the appellant's 24 page statement with the details of the appeal.

## **ANALYSIS**

The planning commission has the authority to approve, approve with conditions or deny the requested subdivision, based upon the following criteria:

1. Conformance with the comprehensive plan, and applicable development standards of this code, and state and federal laws.
2. Development of any remainder of property under the same ownership, if any, can be accomplished in accordance with this code.
3. Adjoining property under separate ownership can either be developed or be provided access that will allow its development in accordance with this code.
4. Conditions necessary to satisfy the intent of the land development code and comprehensive plan can be satisfied prior to final approval.



5. The proposed street plan affords the most economic, safe, efficient and least environmentally damaging circulation of traffic possible under existing circumstances.

6. 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.

7. 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.

8. 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.

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

The proposed subdivision meets all of the criteria stated above, except that the private street does not meet the standards of the Dawson Tract Neighborhood Circulation Plan in that the circulation plan does not allow private streets unless they are for the purpose of alleviating a condition of land locked lots or of extreme topography. This issue was not brought to the Planning Commission hearing to allow the preliminary plat map to be redesigned. For this reason staff has no option but to give a recommendation for denial.

## **FINDINGS**

1. The applicant is requesting a subdivision to divide a 2.09-acre parcel of land into 11 lots ranging in size from 7,509 to 7,746 sq. ft. with an average lot size of 7,592.54 sq. ft. and will create a private street with a 24 foot right of way.
2. The subject property is zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) and is designated as Residential by the Comprehensive Plan.
3. The proposed subdivision is located within the area of the Dawson Tract Neighborhood Circulation Plan, which allows private streets of 20 feet in width and serve no more than six lots, only when needed to alleviate a condition of land locked lots or of extreme topography.
4. All of the lots surrounding the subject property have frontage on a public street.
5. Pursuant to the Dawson Tract Neighborhood Circulation Plan all lots fronting on a narrow street with no on-street parking must be at least 7500 sq. ft. in size to accommodate four additional parking spaces.
6. The county planning staff has stated that there are no other subdivisions in the county with the



name of, or similar to Spindrifft Subdivision.

7. A check of the 97415 Zip Code area has revealed that there are no streets with the name of, or similar name as Spindrifft Ln.
8. Dawson Rd. is a paved travel way within a 45-foot wide right of way adjacent to the north boundary of the subject property and a 50-foot right of way adjacent to the northerly 190 feet of the westerly boundary and 45 feet from that point south, with no other improvements.
9. There is a water and sewer main located in both alignments of Dawson Rd., however, the City of Brookings has identified a limited maximum capacity in its wastewater treatment plant. This land use approval does not constitute a representation or commitment that capacity will exist in the wastewater treatment system of the City of Brookings to serve the development proposed. The availability of connection approvals to the wastewater treatment system are on a first come-first serve basis and regulated under the provisions of Ordinance No. 88-0-430.

## CONCLUSIONS

1. The subdivision is proposed and approved by the Planning Commission with a private street. However, the Dawson Tract Neighborhood Circulation Plan allows a private street only if the street is needed to alleviate a condition involving land locked lots or extreme topography. In this case neither of these conditions are present. This issue was not presented to the Planning Commission at the time of its hearing

## RECOMMENDATION

Staff recommends **DENIAL** of Case File No.SUB-6-01, based on the findings and conclusions stated in the staff report and subject to the conditions of approval listed above.



February 6, 2002

INTER	 <b>MEMO</b>
OFFICE	

To:	John Bischoff, City Planner
From:	William J Sharp, Fire Chief <i>WJS</i>
Subject:	Spindrift Sub-Division
Date:	2-6-02

The Spindrift Sub-Division was reviewed and discussed by the Site Plan Committee which I am a part of . One of the issues that was discussed was the hammerhead turnaround planned for the Spindrift Sub-Division off of Dawson Road. It was the opinion of the Site Plan Committee and the Fire Department that the dimensions of the Hammerhead Turnaround were adequate and met the needs for emergency vehicles access and turn around.



INTER	
OFFICE	

# MEMO

To:	John Bischoff, City Planner
From:	William J Sharp, Fire Chief <i>WJS</i>
Subject:	Proposed Sub-Division
Date:	11-5-01

John, just in case I am not able to attend the Sub-division meeting this Friday I wanted to address one area of interest. The Fire Department request's that a hydrant be installed at the north east corner on the radius, where Spindrift Lane intersects with Dawson Road. I am also concerned that with the road width we could have a car parked on the roadway and hinder emergency access at the hammerhead. "No parking" signs could help remedy this.



**CONDITIONS OF APPROVAL**  
**SUB-6-01**  
**Spindrift Subdivision**  
**December 4, 2001**  
(As amended by the Planning Commission)

General Conditions

1. The final plat shall be in substantial conformance with the submitted preliminary plat as amended herein and as approved by the Planning Commission.
2. Approval of this preliminary plat will expire one (1) year from approval unless the final plat is approved and recorded or unless an extension of time is requested and approved. The extension of time may be granted by the Planning Commission with good cause and will not exceed one (1) year. The recordation of the final plat can be phased to match construction phases of the project within the one-year period. Should the applicant wish to proceed with the subdivision following expiration of the one (1) year extension, the preliminary plat process must be re-initiated and resubmitted to the Planning Commission for review and approval.
3. The size and shape of all lots shall conform substantially with the approved preliminary plat. Substantial changes to the approved preliminary plat require re-approval by the Planning Commission.
4. All lots shall conform to the provisions of the R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size), and to all other applicable provisions of the Land Development Code, accept as modified by the Dawson Tract Neighborhood Circulation Plan, which requires a minimum lot size of 7,500 sq. ft. when the lot fronts on a street constructed to a circulation plan standard rather than a standard city street.
5. A note shall be placed on the final plat map stating that all houses constructed within the subdivision must provide hard surface parking spaces for at least 6 automobiles.
6. Improvement work, including grading and fill, shall not be commenced until the City Engineer has reviewed and approved construction plans for adequacy.
7. All costs of plans checks and inspections by the City Engineer shall be paid by the applicant to the city.
8. Information on the construction plans shall be pursuant to the City of Brookings Standard Specifications document dated August 1988.
9. No houses shall be constructed on the subject property until all improvement work has been completed.
10. A note shall be placed on the final plat map stating that Lots 4 and 11, as shown on the approved preliminary plat map, shall take access from Dawson Rd. and cannot take access from the private street.



11. A note shall be placed on the final plat map stating the Lots 5 thru 10, as shown on the approved preliminary plat map, shall be subject to a reciprocal maintenance agreement for Spindrift Ln. The applicant shall record a reciprocal maintenance agreement providing for the maintenance of Spindrift Ln. by the owners of Lots 5 thru 10 as shown on the approved preliminary plat map. A copy of the maintenance agreement shall be provided to the City Planning Department.
12. A note shall be placed on the final plat map stating that Lot 3, as shown on the approved preliminary plat map, stating that access to the lot shall be from the southerly 30 feet of the west boundary which fronts on the north/south alignment of Dawson Rd., for vision clearance purposes.
13. A note shall be placed on the final plat map stating that Lot 2, as shown on the approved preliminary plat map, stating that access to the lot shall be from the easterly ½ of the frontage on the east/west alignment of Dawson Rd., for vision clearance purposes.

#### Street Conditions

14. The applicant shall construct sidewalk along both Dawson Rd frontages of the parent parcel including the frontage of Tax Lot 5001 Assessor's Map 40-14-36BB (Recorded as Partition Plat 1996-35). If required, sufficient additional right of way shall be dedicated to the city to ensure all street improvements are within the street right of way.
15. Spindrift Ln. shall be improved with a minimum of 20 feet of paved travel way and the hammerhead turn around shall be paved for its entire 60 foot width.
16. All street improvements shall include any required underground storm drain facilities.
17. All street improvements shall be approved by the City Engineer prior to construction.
18. A street light shall be installed at the corner of Spindrift Ln. and Dawson Rd.; at the hammerhead end of Spindrift Ln. and at the north west corner of the subject property where Dawson Rd. turns from a north/south alignment to a east/west alignment.
19. A stop sign and street sign shall be placed at the intersection of Spindrift Ln. and Dawson Rd. and two "No Parking" signs shall be placed on both sides of Spindrift Ln. and on both frontages of Dawson Rd. (Amended by the Planning Commission, December 4, 2001)

#### Sanitary Sewer And Storm Drain Conditions

20. The applicant shall extend sewer service mains as required by the City Engineer or Community Development Department staff. Service laterals shall be extended to each lot within the subdivision.
21. Sanitary sewer installation shall comply with the standards of the State of Oregon Department of Environmental Quality and the provisions of Brookings City Ordinance No. 430, and Standard Specifications Document, dated August, 1988.
22. The location of all sewer laterals shall be appropriately marked on the curb in a permanent



manner.

23. All storm drains shall be installed pursuant to the provisions of the Standard Specifications document, dated August, 1988.
24. All storm sewer mains that are located outside of a street right-of-way shall be provided with an access easement as required by the City Engineer.
25. All sanitary and storm sewers plans shall be approved by the City Engineer prior to construction.

#### Water System Conditions

26. All lots within the subdivision shall be served by the city domestic water supply system.
27. All water lines shall be installed pursuant to the provisions set forth in the OAR Chapter 33, Sections 42-200 through 42-243, by the Oregon State Health Division and the City of Brookings Standard Specifications Document.
28. Water meters shall be clustered at common lot lines to the extent possible.
29. A fire hydrant shall be placed in the northeast corner of Spindrift Ln. and Dawson Rd. pursuant to the letter from the City Fire Chief, dated November 5, 2001
30. All water system plans shall be approved by the City Engineer prior to construction.

#### Utilities

31. All utility lines, including but not limited to, electric, communication, street lighting, and cable television shall be placed underground throughout the subdivision. This includes undergrounding of services from existing overhead utilities.
32. All utility easements shall be clearly defined as to their scope, purpose and term, preferably to be included within the restrictive covenants which are to be recorded with the subdivision plat. The abbreviation "PUE" must be clearly defined and spelled out.
33. All proposed easements shall be clearly shown in dashed lines on the plat including the size and locations as required by the affected utilities, public agencies and service companies.
34. A continuous five (5) foot "PUE" adjacent to the right-of-way on Dawson Rd. and Spindrift Ln. shall be provided to be utilized for water related equipment (meters, valves, etc. and other utilities (electrical pedestals, street lights, telephone and other facilities).
35. The applicant shall be responsible to coordinate final acceptance of all proposed "PUE's" with the affected utilities, public agencies and service companies prior to final plat approval.
36. The applicant shall coordinate the placement of mailboxes with the U. S. Postal Service.



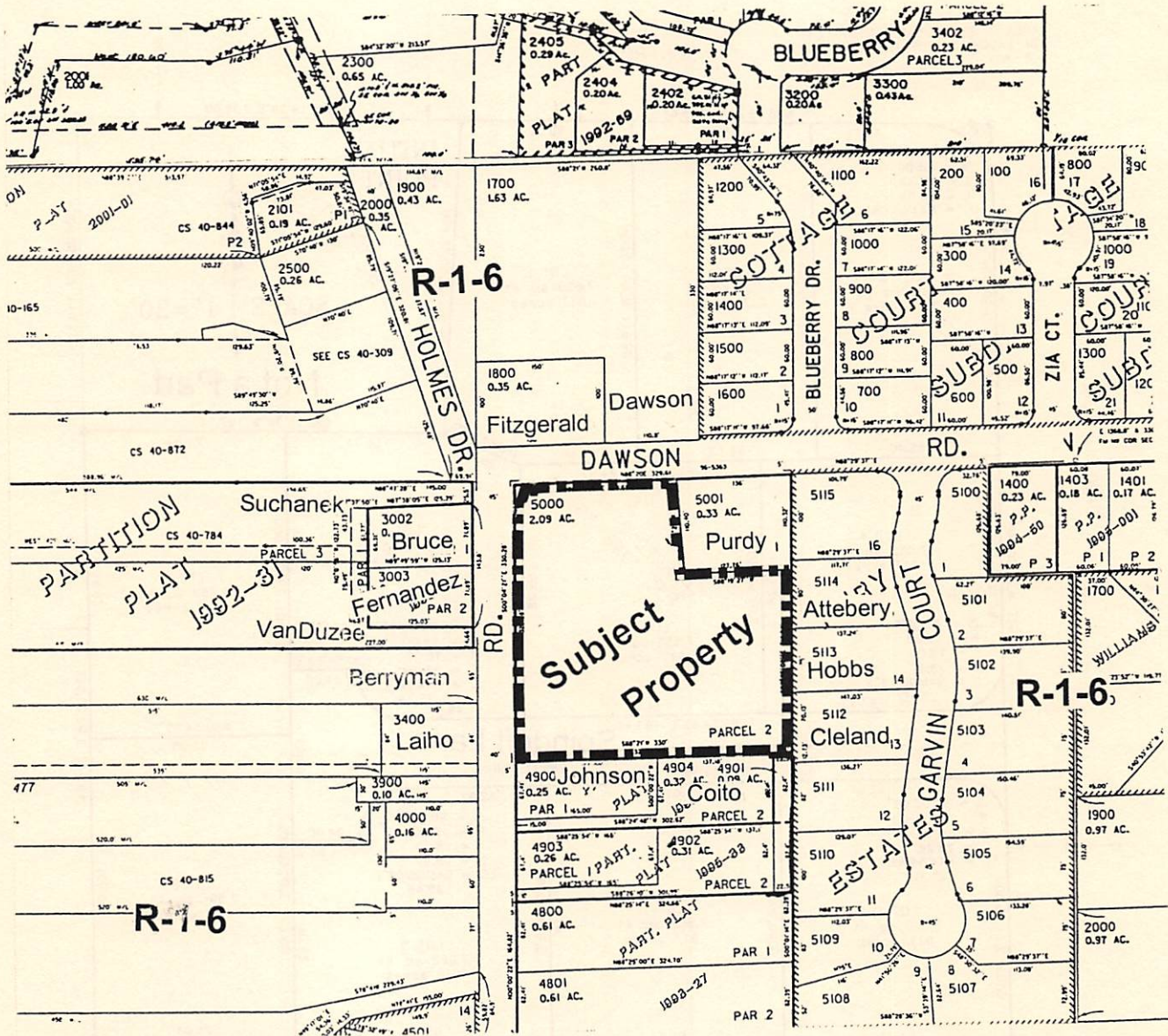
### Restrictive Covenants

37. In order for retaining walls, fences, etc, to be constructed within the remaining public right-of-way in back of and abutting the sidewalks the applicant shall incorporate in the covenants a "hold harmless" clause absolving the city and/or utilities of any liability or responsibility for the replacement of such appurtenances within the right-of-way should it be necessary to remove same to make repairs to existing facilities or install new facilities therein.

### Bond And Agreement

38. Prior to the Planning Commission certification of the final plat, the applicant shall install the required improvements.
39. The applicant shall file, to assure his full and faithful performance thereof, one of the following: 1) surety bond executed by a surety company authorized to transact business in the State of Oregon, 2) cash, or 3) an irrevocable standby letter of credit from a bank of savings and loan association. The assurance of full and faithful performance shall be for a sum approved by the City Manager sufficient to cover the cost of the improvements, engineering, and repair of existing streets and other public improvements damaged in the development of the subdivision, and must be approved by the City Attorney as to form and content. The performance bond shall guarantee the improvements to be free of defects for one (1) year after written acceptance by the City Manager.





Applicant: Douglas Purdy

Assessor's No: 40-14-36 BB TL 5000

Location: south side Dawson Road 350 ft. west of Garvin Court

Size: 2.09 acre

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









1 TO: Brookings City Council

2 City of Brookings

3 898 Elk Drive

4 Brookings, OR 97415

5  
6 RE: PLANNING COMMISSION CASE # SUB-6-01; SUBDIVISION OF TAX LOT 5000

7  
8 APPELLANT: Walter L Battaglia

9 17304 Blueberry Drive

10 Brookings, OR 97415-9717

11  
12 I am appealing the decision of the Planning Commission on December 4, 2001 to approve the  
13 application identified as case SUB-6-01. I have standing before the City Council for this appeal because  
14 I submitted written and oral arguments and evidence on this matter recognized by the Planning  
15 Commission.

16  
17 The Brookings City Council (hereinafter, "the Council") is empowered to alter, review and supervise  
18 the decisions of the Brookings Planning Commission (hereinafter, "the Commission"), and is the  
19 appropriate body to hear this appeal. I understand there are 4 courses of action the Council may take  
20 with respect to the Commission's decision as a result of this appeal: (1) affirm the decision, (2) overturn  
21 the decision, (3) alter the decision or (4) remand the case to the Commission for further consideration  
22 as instructed by the Council.

23  
24 Abstract

25  
26 *Appellant contends the Commission erred in approving the application, as appellant believes certain findings of*  
27 *fact are incorrect and the Commission did not consider or correctly evaluate all germane evidence and applicable*  
28 *law, as follows:*



1           1. Appellant claims the Commission did not properly apply Brookings ordinance 176.060.C.5 "The  
2 proposed street plan affords the most economic, safe, efficient and least environmentally damaging circulation of  
3 traffic possible under the existing conditions";

4  
5           2. Appellant claims the Commission relied on, but did not fully and correctly evaluate, Planning Director  
6 John Bischoff's interpretation of the Brookings Comprehensive Plan, Goal 10 Housing; viz., "... the city will not  
7 place undue restrictions on the development of land and with the overall goal of using land within the city  
8 efficiently";

9  
10          3. Appellant claims the Commission's decision in this (and possibly other) applications is defective  
11 because the Commission and the Planning Director misunderstood or overreached their authorities in making, or  
12 relying on, an interpretation of the Brookings Comprehensive Plan, Goal 10 Housing, which appellant believes has  
13 not been reviewed or approved by the Council, which has sole authority to make such policies;

14  
15          4. Appellant claims the Commission failed to consider and apply all of the provisions of the Brookings  
16 Comprehensive Plan, Goal 10, particularly policies "3. City shall advance where possible the evolution of safe and  
17 aesthetically pleasing residential neighborhoods ..." and "6. City shall give consideration to alternative residential  
18 construction both in form and layout, for such reasons as aesthetic ... and provision of more usable open space";

19          5. Appellant claims the Commission Chair Gyuro erred in overruling a motion to table approval of the  
20 application on first reading, and thereby prevented full examination and resolution of problems in the application  
21 for which appellant seeks relief above (item 1).

22  
23 Appellant contends the foregoing defects in the Commission's procedures and errors in the Commission's findings  
24 are sufficient cause for the Council to conduct a full hearing on the application.

25  
26 The Council can grant relief to the appellant by denying the application without prejudice, or by remanding the  
27 application to the Commission with instructions to modify the application as requested by appellant.

28



1 Relief Sought

2  
3 Appellant seeks denial of the application, without prejudice, if the applicant is unwilling or unable to  
4 make any modification to the proposed subdivision of Tax Lot 5000. Appellant does not seek to  
5 prevent applicant from submitting another subdivision application substantially different from that  
6 presently proposed.

7  
8 Appellant seeks incorporation of the following criteria in any approved subdivision of Tax Lot 5000:

9  
10 1. Any street created in the subdivision ("interior street") shall be public and conform to the  
11 Dawson Tract Circulation Plan, particularly as to right of way, curb-to-curb width and cull-de-sac  
12 layout;

13 2. All driveways in the subdivision shall only be connected to the interior street, so that all  
14 vehicular traffic flows to and from Dawson Rd are through a single interior street intersection with  
15 Dawson Rd;

16 3. The interior street may intersect Dawson Rd either in the north-south or east-west direction,  
17 or diagonally at the Dawson Rd corner if a rotary traffic director is installed, and the selected  
18 orientation shall depend on what is determined to be the safest and most efficient method of traffic  
19 circulation;

20 4. The parcel layout in the subdivision shall be made after the street plan is first and separately  
21 approved, and the parcel sizes shall be about 10,000 and 12,000 sq ft, with at least 2 12,000 sq ft parcels,  
22 allowing a maximum of 7 parcels in the subdivision;

23 5. The parcel layout and any building permits shall consider and be consistent with pre-  
24 existing structures and subdivisions adjacent to this subdivision in accord with the Brookings  
25 Comprehensive Plan, Goal 10 Housing, policies 2, 3 and 6.

26  
27  
28



1 The appellant also seeks consideration and resolution of the following matters, prior to approval of the  
2 application:

3  
4 6. Revision of the Dawson Tract Circulation Plan, particularly with respect to upgrading the  
5 narrower width standards existing on north-south Dawson Rd from the corner to the Ocean Park II  
6 subdivision, which affects the west side frontage and layout of the proposed subdivision;

7 7. Adoption of a plan to remove traffic safety problems at the intersection of Dawson Rd and  
8 Highway 101, generically, "the Dawson S curve problem," including financing and a timetable for  
9 completion, which affects the proposed subdivision because of the increased traffic flows resulting from  
10 this subdivision;

11  
12 where items 6 and 7 will require the attention and action of the Commission and Council.

13  
14 Finally, the appellant seeks clarification and specific guidelines from the Council prior to approval of  
15 the application, concerning:

16  
17 8. Implementation of the Brookings Comprehensive Plan, Goal 10 Housing;

18 9. Instructions to the Commission for processing subdivision and other applications;

19  
20 which only the Council may provide.

21  
22 Request for Hearing

23  
24 Appellant believes there is sufficient cause for appeal and relief, and requests the Council hear this  
25 appeal in not less than 20 days nor more than 60 days from the appeal application date. Appellant also  
26 requests the Council to schedule this matter early in its meeting, as many witnesses and participants in  
27 this matter are elderly or have medical needs that make continued attendance on the Council at late  
28 hours very difficult.



1 Theory of Relief

2  
3 The appellant proposes several theories upon which the Council may proceed to hearing this appeal  
4 and grant the requested relief.

5  
6 First, appellant proposes the Commission did not sufficiently protect the public interest in approving  
7 the subdivision application when it did not consider whether the subdivision is an efficient land use,  
8 did not evaluate the economic effects of the subdivision, did not require the applicant(s) to reveal fully  
9 their intentions, did not resolve traffic safety problems known to, and discussed by, the Commission,  
10 and did not properly and completely apply the Brookings Comprehensive Plan, Goal 10 Housing.

11  
12 Second, appellant proposes the Commission is not impartial: its procedures discriminate in favor of the  
13 applicant at the expense of other interested parties and taxpayers; the Commission provides assistance  
14 to applicant in all aspects of the application and does not provide equal assistance to opponents; and  
15 the Commission turns upside down the policy that 'the applicant bears the burden of proof' (that the  
16 application is conforming) in accepting Planning Director's interpretation of "undue restrictions."

17  
18 Third, appellant proposes the Commission acquiesced in a "taking" of property without compensation,  
19 by acting in the interests of the applicant without consideration of possible damages or costs to the  
20 adjacent property owners, by not requiring applicant to provide evidence that refutes the claims of  
21 adjacent property owners that property values may be reduced, or taxes and assessments increased,  
22 and by not providing any relief to property owners who suffer reduced property values, or increased  
23 taxes or assessments, as a result of this subdivision.

24  
25 Fourth, appellant proposes the Commission majority simply erred in reaching conclusions inconsistent  
26 with the discussion among the Commissioners about Dawson Tract Circulation Plan, and compounded  
27 this error by not considering Commissioner Collis' motion.  
28



1 I. Public Interest

2  
3 The Commission is the public agency which regulates land use in the City of Brookings (hereinafter,  
4 "the City") according to policies set forth in the Comprehensive Plan and other ordinances enacted by  
5 the Council. The Council determines the regulatory intent which the Commission implements by  
6 overseeing the Planning Department. The Planning Department consists of the civil service staff,  
7 supervised by the Planning Director, currently Mr. John Bischoff, (hereinafter, "the Director") which  
8 carries out the day-to-day operations required in the administration of land use within the City.  
9 Generally, this structure is set up to regulate land use within the City in the public interest.

10  
11 The present application is regulated by policies in the Comprehensive Plan, Goal 10 Housing.<sup>1</sup> The  
12 Director interprets those policies in the following language: "... the city will not place undue  
13 restrictions on the development of land and with the overall goal of using land within the city  
14 efficiently."<sup>2</sup> The Commission appears to accept that language in its decisions, since it routinely  
15 approves the Director's reports organized around that language. The Director recommends a decision  
16 based on evaluation of some 7 points, which he routinely subsumes under Goal 10 (his first point) and  
17 then treats as if they were the entire content (application) of Goal 10.

18  
19 Appellant notes the Director nowhere states explicitly that his criteria 2 - 8 constitute the entire content  
20 of Goal 10, but the Director uses no other criteria in evaluating Goal 10. The Director asserts "The  
21 subdivision is also consistent with the goals and policies of the Comprehensive Plan, particularly Goal  
22 10 Housing ..."<sup>3</sup>.

23  
24  
25 

---

1 Exhibit A

26 2  
27 Staff Report SUB-6-01, p4 This is only a summary of 10 policies enumerated in the Comprehensive  
Plan, Goal 10 Housing. See below for further discussion.

28 3 Loc. cit.



1 Appellant contends the Director's report only considers certain technical factors pertaining to land use,  
2 not all of the policies in Goal 10 Housing. While the Director's criteria 2-8 may indeed be 'consistent'  
3 with Goal 10 Housing, they do not constitute the entire content of Goal 10 Housing. The Commission  
4 has failed to notice this difference between 'consistent with' and 'entire content of' in evaluating land  
5 use applications, particularly the present application.

6  
7 In reviewing this application, the Commission did not consider broader factors, such as neighborhood  
8 design, net cost to City taxpayers, or effects on adjacent property owners all of which are stated or  
9 implied in Goal 10 Housing policies. Instead, the Commission relied on a truncated version of those  
10 policies which amounts to a restrictive interpretation by the Director. Appellant believes the  
11 Commission failed to protect the public interest because it did not properly construe and apply the  
12 actual policies of the Comprehensive Plan, Goal 10 Housing, and because it failed to examine whether  
13 the Director's language was an appropriate summary of those policies in evaluating this application.

14  
15 Appellant believes this appeal should be heard by the Council, because the Council is the proper body  
16 to determine how Goal 10 Housing policies apply to this and other land use cases. Appellant seeks a  
17 determination of regulatory intent, which can only be provided by the Council.

18  
19 Even if we suppose the Director's language is a reasonable interpretation of Goal 10 Housing policies,  
20 the very words imply a greater content than the Director's criteria 2-7. Based on the common  
21 understanding of the English language, the Director's language contains two (2) clauses: one about  
22 "undue restrictions" and the other about "using land ... efficiently." These clauses are connected by an  
23 "and," indicating that both clauses are part of the Housing policy. Appellant contends the Commission  
24 restricts itself to consideration of "undue restrictions," and does not consider, or considers only  
25 minimally, "using land ... efficiently" in its deliberations. The Director's report is incomplete, because  
26 'efficient' land use is nowhere discussed. The Commission's decision is flawed in so far as it did not  
27 examine all aspects of the application based on the policy language it accepted.

28



1 The Commission has the power to modify land use applications as a condition of approval and, in fact,  
2 routinely does so. The Commission can determine what are "undue restrictions" in each case.

3 The Director seems to construe the "undue restrictions" clause as preventing the Commission from  
4 imposing too many burdens on applicants. But, "undue" is not a specific criterion, nor is "too many."  
5 "Undue restrictions" are not the same thing as "no restrictions."

6  
7 The Commission has not made explicit what is "undue;" so it is impossible to know what basis the  
8 Commission had for approving the application. Appellant believes the Commission should have ruled  
9 whether each proposed modification constituted "undue restrictions." In making such rulings, the  
10 Commission would have explicated the Director's language.

11  
12 The Commission's authority includes discretion, which appellant believes is sufficient to grant the  
13 requested relief. Appellant believes the Commission should have considered and ruled on each of the  
14 appellant's proposed modifications separately as to the "undue restrictions" clause. Since the  
15 Commission did not make such rulings, appellant's only recourse is to request the Council to specify  
16 what is an "undue restriction," and thereby regulate the scope of the Commission's discretion.

17  
18 If the Council does not regulate the Commission concerning the intent of the Comprehensive Plan,  
19 Goal 10 Housing, then appellant believes the Director's interpretation of Goal 10 Housing is 'vague'  
20 and 'overly broad,' thus incapable of any lawful application. If the Commission is without specific  
21 regulation by the Council, it cannot make any decision based on Goal 10 Housing. In that event, the  
22 Commission has no effective regulatory authority; only the Council can decide to approve or deny an  
23 application (including this one). Thus, either the Commission's decision was uninformed by lawful  
24 regulation so the application should be denied, or the Council should fully consider the application.

25  
26 The Commission seems devoted to the "undue restrictions" clause, almost to the exclusion of  
27 considering "using land ... efficiently," even though both clauses are present in the Director's language.  
28 The Commission appears to permit applicants to do almost anything that does not violate minimal,



1 technical standards. It seldom regulates based on any larger concept of "public interest," which is  
2 implicit in the "using land ... efficiently" clause.

3  
4 Again, Mr. Bischoff's language is only an interpretation of ten policies set forth in the Comprehensive  
5 Plan, Goal 10 Housing. Appellant believes the Commission failed to regulate the applicant sufficiently  
6 because it relied on that portion of the Director's language ("undue restrictions") which suggests a  
7 narrow, technical application of Goal 10 Housing. The Commission avoided the second clause about  
8 efficient land use. While appellant believes the common understanding of "using land ... efficiently" is  
9 consistent with the policies in Goal 10 Housing, the Director's language is not a complete explication of  
10 all those policies.

11  
12 Appellant contends that "using land ... efficiently," if applicable, has not been properly construed by the  
13 Commission. The adverb "efficiently" is derived from the adjective "efficient", meaning<sup>4</sup>:

14 "1. Directly producing an effect or result; causative; effective [the *efficient* cause]

15 2. Producing a desired effect, product, etc. with a minimum of effort, expense, or waste; working well"

16 On the plain meaning of the English language, the Director's word "efficiently" is either redundant or  
17 an emphasis, or it leaves to discretion the 'desired effect' or what 'works well.' Using Webster's first  
18 definition, "using land within the city efficiently" simply means land use produces some effect, or that  
19 land use is the effect. No specific instruction as to *what* is the effect are given on this reading. It would  
20 be the same, if the phrase were just 'using the land within the city.'

21  
22 On the other hand, Webster's second definition allows a variety of considerations, such as minimum  
23 work, cost and waste. These considerations are stated in Goal 10 Housing policies 3 and 6, as follows:

24 "3. City shall advance where possible the evolution of safe and aesthetically pleasing  
25 residential neighborhoods ... efficiently integrated with ... other urban development."<sup>5</sup>

26  
27 <sup>4</sup> WEBSTER'S NEW WORLD DICTIONARY 1976

28 <sup>5</sup> Exhibit A



1 "6. City shall give consideration to alternative residential construction both in form and  
2 layout, for such reasons as aesthetic, energy conservation, lessened development costs,  
3 and provision of more usable open space."<sup>6</sup>

4  
5 Since, according to Webster, "efficiently" is an adverb, it modifies a verb which is an action; i.e., the  
6 word qualifies what is done, but does not state what is done. On Webster's first meaning of the word,  
7 the Director's language has any content one cares to impute, so that meaning cannot be the basis of  
8 lawful regulation (unless we accept the principle the Commission is free to do whatever it wants). So,  
9 we must prefer the Director's language as defined in Webster's second meaning, which does imply  
10 qualities by which we may evaluate the application. Nonetheless, these qualities (modifiers) only apply  
11 to 'a desired effect, product,' and do not specify that effect or product. To give the Director's language  
12 specific effect, appellant believes we must refer to the full set of policies in Goal 10 Housing; i.e., the  
13 Director's words point to and require those policies. Appellant believes policies 3 and 6 are most  
14 relevant to the present application.

15  
16 Appellant believes the Commission regulates land use in the public interest; i.e., property rights are  
17 neither unlimited nor unrestricted, nor even solely restricted by minimal zoning and other regulations.  
18 Since using land 'efficiently' is inherently a matter of judgement, public interest and private equity are  
19 often in conflict. Appellant believes the Commission is the public's agent and does not represent the  
20 applicant, since it is generally supposed that the applicant bears the 'burden of proof'<sup>7</sup> in all land use  
21 decisions. The applicant has to show the proposal conforms to applicable laws and regulations; not the  
22 other way around.

23  
24 Land use regulation differs from other civil and criminal proceedings, where the State (public) bears the  
25 burden of proof against a defendant. Land use proposals have immediate and consequential effects on

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26  
27 <sup>6</sup> Loc. Cit.

28 <sup>7</sup> Exhibit C-1, Goal 2 policy 2



1 the property and well being of others, often over long periods of time. The more urbanized an area,  
2 the more consequences follow from land use decisions; thus, a greater public interest.

3  
4 Appellant analyzes this seeming trivial point, because the Director's interpretation of Goal 10 Housing  
5 treats the applicant as a defendant in a civil proceeding. The Director puts the burden on the public to  
6 deny the application, which is the effect of the "undue restrictions" clause. Appellant believes that  
7 construction is opposite to the purpose of the Comprehensive Plan and the intent of land use law.<sup>8</sup>

8  
9 In the following, appellant proceeds on the view that applicant has the burden of proof to show the  
10 application conforms. Appellant will show that application does not conform to the public interest  
11 based on Goal 10 Housing policies 3 and 6, and other relevant considerations.

12  
13 Appellant contends the Commission did not make important distinctions about land use in the Dawson  
14 Tract, and did not even follow its own precedents concerning Dawson Tract subdivisions.

15  
16 The zoning of a parcel does not solely determine efficient land use. This fact is demonstrated by the  
17 many alterations and conditions the Commission has imposed on land use applications, including the  
18 present one. So, compliance with zoning is a necessary, but not sufficient, condition of land use.

19  
20 An owner may be free to develop a property with few restrictions, if the property is large enough or  
21 far removed from any neighbors. It's hard to contest what a shipwrecked sailor does on an  
22 uninhabited desert island. But, the present application concerns a parcel that is none of those. In fact,  
23 the area around the subject parcel is largely developed, populated and not at all a desert.

24  
25 The Commission did not distinguish between "interior" and "exterior" land (appellant's terms). For  
26 example, desert islands are "exterior" parcels, as are tracts largely surrounded by undeveloped land.

27  
28 

---

As stated in Goal 2, policy 2.



1 This application concerns "interior" land because it is a "fill-in" area; i.e., the land is surrounded by  
2 already developed or subdivided parcels. Appellant believes a different intensity of land use regulation  
3 is justified, depending on the extent to which land is "exterior" or "interior." "Exterior" land use may  
4 be subject to fewer restrictions because it is far removed from any neighbors, thus is presumed to have  
5 fewer damaging effects on the public. "Interior" land is surrounded by neighbors, all of whom have an  
6 equity interest in what happens to adjacent land, so far as land use changes the neighbors' property.

7  
8 The cumulative effect of Commission decisions in the Dawson Tract is shown by inspection of the  
9 map<sup>9</sup>: a "housing gradient" exists from North and East, to West and South. Near Highway 101, along  
10 S. Passley and the eastern portion of Dawson Rd, the parcels and houses are smaller. Going  
11 westward, the parcels and houses get larger. The assessed value of Dawson area properties also  
12 increases from East to West. This gradient represents past practice in developing the Dawson area, all  
13 under the regulation of the Commission. Appellant believes the Commission has established  
14 precedents in determining land use in Dawson Tract.

15  
16 Those precedents are clearly reflected in previously approved subdivisions adjacent to Tax Lot 5000.  
17 The subject property is surrounded by 10,000 and 12,000 sq ft parcels, not connected to high density  
18 subdivisions. Tax Lot 5000 has become "interior"<sup>10</sup> land as the cumulative result of the Commission's  
19 decisions.

20  
21 For example, adjacent houses on Garvin Ct. were built on larger lot sizes, and the parcels south of the  
22 applicant's property are also larger lot sizes, than the applicant proposes. Appellant believes the  
23 Commission established a precedent in approving nearby subdivisions, and that precedent governs  
24 land use in the applicant's "interior" land. The burden of proof is on the applicant to show why that  
25 precedent should not apply, but no such showing was made in the application or at the hearing.

---

26  
27 <sup>9</sup> Exhibit F

28 <sup>10</sup> Note Exhibit F, "Subject Property" in relation to surrounding parcels



1  
2 The Commission's precedents imply parcels south of east-west Dawson Rd, and east of north-south  
3 Dawson Rd should contain 10,000 or 12,000 sq ft. This precedent overrules zoning, because existing  
4 property owners have an equity interest in the land use decisions made so far. In other words, as the  
5 area becomes more and more developed, the pattern of development becomes self-reinforcing. Those  
6 who develop land or buy existing homes have every reason to make their decision based on years of  
7 Commission land use decisions which suggest a certain pattern of use.

8  
9 The present Commission departed from precedent by approving a subdivision into tax lots 3002 and  
10 3003, and increasing the density of Ocean Park II. Appellant, and other Dawson Area property owners,  
11 objected to, or actively opposed, those subdivisions, and believe the Commission erred in approving  
12 them. That the Commission approved those subdivisions is not relieved by making yet another error;  
13 viz., approving the present application. ('Two wrongs don't make a right.')

14  
15 Appellant contends the Commission erred by failing to make a distinction between "interior" and  
16 "exterior" land, and not determining applicant's land to be "interior." The Commission also erred by  
17 approving a land use inconsistent with its precedents for the Dawson Tract as applied to the location of  
18 the applicant's parcel (within the "housing gradient") and its "interior" status. The public interest lies  
19 in the Commission making decisions consistent with its precedents, or requiring the applicant to show  
20 cause for overriding those precedents. Appellant believes such cause was not shown, as there was no  
21 discussion of it in the Staff Report or at the hearing. The Commission did not examine the applicant or  
22 the appellant on this matter. The Commission did not volunteer any statement or reason, or adduce  
23 any evidence or law to support its inconsistent and non-conforming conclusion.

24  
25 Appellant further believes, if the Council supports the Commission in approving this application, the  
26 Council must determine sufficient cause to override existing precedents. Otherwise, Dawson Tract  
27 property owners may have cause to seek compensation from the City, the present applicant and other  
28 developers for any losses and other damages incurred as a result of inappropriate land uses.



1 Appellant contends the public interest is clearly shown by the large number of adjacent property  
2 owners who protested and opposed the application. Appellant believes almost all (more than 2/3)  
3 adjacent property owners, who are most affected by this land use application, oppose this application,  
4 and agree the relief sought by appellant is necessary to resolve their complaint. Appellant's belief is  
5 based on interviews with adjacent property owners during the last month.

6  
7 Goal 10 Housing policies include 3 and 6 cited above. Both policies include aesthetic considerations,  
8 and policy 6 includes consideration of open space as well. The Commission did not consider those  
9 policies with respect to the present application. The Director did not discuss aesthetics or open space in  
10 the staff report. Appellant's requested relief corresponds to the public interest in consistent application  
11 of policies 3 and 6, as discussed below. Appellant contends aesthetic and open space considerations are  
12 sufficient reasons to modify the applicant's subdivision proposal, and, further, such modification would  
13 improve the subdivision's compliance with the Dawson Tract Circulation Plan.<sup>11</sup>

14  
15 Appellant believes aesthetic considerations are also governed by precedent, in the same manner as  
16 parcel size discussed above. Houses constructed on parcels adjacent to the proposed subdivision have  
17 been largely custom-built. There are very few non-unique houses; i.e., houses of the same model. In  
18 short, the Dawson Tract near applicant's land has not been developed as a housing tract based on just  
19 a few model homes. Appellant's interviews with adjacent property owners and other owners in the  
20 Dawson Tract support appellant's opinion that custom homes on larger lots are what is expected if and  
21 when applicant's land is built. Appellant's opinion corresponds to the pattern of development which  
22 has occurred due to previous Commission decisions on land use; i.e., applicable precedent.

23  
24 The Dawson Tract contains no public parks or other public open spaces, except nearby Harris Beach  
25 State Park.<sup>12</sup> Dawson Tract residents are therefore dependent on the proper design of development to

---

26 <sup>11</sup> See Exhibits E-1, E-2, E-3 and E-4, discussed below .

27 <sup>12</sup>  
28 But, note Exhibit D-2, Goal 12 Transportation policy 5 regarding bike paths and walkways. The City has provided none,  
and there is no path or bike route to Harris Beach State Park for Dawson Tract residents.



1 achieve the "usable open space", which may considered under Goal 10 Housing policy 6. Residents  
2 have been fortunate so far that most property owners have built homes with due regard for open  
3 space. Walking through Dawson Tract - a common habit of residents - is a pleasant experience for  
4 many people on account of the open spaces left between attractive homes. The public has an interest  
5 in retaining that open space for personal and aesthetic reasons.

6  
7 The City and the taxpayers have an interest in open space on private land, because the City has not  
8 used general funds or special assessments to create public facilities. There is no demand for public  
9 facilities in the Dawson Tract because the pattern of private land use has satisfied the public demand  
10 for open space. Appellant believes the City and taxpayers generally have an economic interest in  
11 preserving the pattern of land use in Dawson Tract, because it leaves sufficient open space to diminish  
12 or eliminate public demand for such public investment. Once again, the public interest lies in the  
13 Commission following its own precedents and the appellant's requested relief.

14  
15 Appellant contends the Council should either deny the application because it does not conform to the  
16 well established precedents described above, or remand the case to the Commission with instructions  
17 to modify the application according to the relief requested by the appellant.

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

---



1 II. Impartiality

2  
3 Goal 1 of the Brookings Comprehensive Plan is "To provide a citizen involvement process that ensures  
4 the opportunity for citizens to be involved in all phases of the planning process."<sup>13</sup>

5  
6 The Commission did not address appellant's complaint that there was a lack of outreach on pending  
7 development activity. The Planning Commission apparently has no plan to notify the public of things  
8 in process except when required by law. When notification is given, the site development process is  
9 largely complete, so there is little opportunity for the public - especially those directly affected - to have  
10 any role in the process.<sup>14</sup> When the lack of outreach is combined with the Commission's narrow,  
11 technical focus in reviewing applications, it is nearly impossible to change any proposed development.

12  
13 There is a tremendous disparity between the access afforded the Planning Department to those in the  
14 real estate and construction industries, as distinct from the rest of the public. The Planning Department  
15 leaves it to the citizens to determine what it is doing, which means someone has to have the constant  
16 interest, time and money to review their activities. Of course, those regularly employed in the real  
17 estate and construction industries are paid for their activity; for the rest of the public it is an unpaid  
18 burden. This results in discrimination favoring the real estate and construction interests, with possible  
19 adverse consequences for the taxpayers and general public.<sup>15</sup>

20  
21 The Commission's impartiality is undermined by the Director's method in evaluating applications. The  
22 emphasis on "undue restrictions" makes it very difficult for the public to have any voice whatsoever in  
23 land use applications. Further, when the applicant is not required to show cause why the application

24  
25 <sup>13</sup> Exhibit B

26 <sup>14</sup> See Exhibit C-1, Goal 2 Land Use Planning, policy 1. The question is, what is a reasonable effort?

27 <sup>15</sup> See Exhibit C-2, Goal 2 Land Use Planning, policy 3, which admonishes impartiality, because "These bodies are  
28 responsible for considering the effects of a decision on the entire community ..."



1 should be approved, the public is left with a complicated and expensive task to show why not. This is  
2 an inherently biased procedure which favors applicants, and discourages public participation generally.

3  
4 Applicant contends the Council should encourage public participation as stated in Comprehensive Plan  
5 Goal 1. The Council can remand the application to the Commission, with instructions to expand the  
6 scope of evidence under Comprehensive Plan Goal 10 and to mediate negotiations between the  
7 applicant and Dawson area residents with a view to reaching an agreed subdivision design. This was a  
8 specific relief requested by those who signed the petition opposing the subdivision.

9  
10 Appellant contends the Council can improve public participation with appropriate policies. Since the  
11 Commission did not address these issues, only the Council can grant the sought relief.

12

13

14

15

16

17

18

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21

22

23

24

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26

27

28



1 III. Economic Damage

2

3 This appeal contends that the Commission's departure from past practice in approving subdivisions in  
4 the Dawson Tract threatens property values and the assessed tax base, and destabilizes the community.  
5 Present homeowners may suffer a loss of property value due to increased housing density and a  
6 change in the design of built structures. The Commission did not consider the economic effects of the  
7 application on individuals, the City or Curry County. The Commission did not seek any evidence  
8 about economic effects, even though the appellant specifically requested an economic analysis on  
9 several occasions.

10

11 Appellant contends the Commission must consider the economic effects of the application because the  
12 applicant's land is "interior" to existing developed property. Other property owners have an equity  
13 interest in whatever the applicant does. Appellant believes the Commission must determine the  
14 application at least does no harm to those with equity interests, but the Commission failed to do so.

15

16 There is nothing in the language of the Comprehensive Plan Goal 10 Housing to justify reduction of  
17 existing property values. While Goal 10 Housing policy 1 states "City shall not unduly restrict land  
18 development thereby artificially inflating the cost of both new and existing housing, ..." this policy does  
19 not demand deflation. Appellant notes that even this policy supports the requested relief because it is  
20 impossible to determine whether there is inflation, deflation or neither without economic analysis.

21

22 The Commission's recent rapid-fire approval of subdivisions in the Dawson Tract has undermined the  
23 peace of the community. Many residents are upset about the appearance, density and pace of the new  
24 developments. While only anecdotal evidence, appellant has been told in confidence that some  
25 homeowners fear the recent high density subdivisions will devalue their investment, so they may sell  
26 before the market collapses. In fact, I have noticed an increase in "for sale" signs the last few months.  
27 This illustrates how the neighborhood may be destabilized by the recent high density subdivisions  
28 approved by the Commission.



1 Many Dawson Tract homeowners paid a premium to live here, and now fear loss of their investment.  
2 Appellant believes the anecdotes lend credibility to appellant's argument that an economic analysis is  
3 required. Otherwise, fear and rumor could cause a panic resulting in unrecoverable devaluation of  
4 property; a not unusual behavior in free markets. Without any economic analysis of the subdivisions,  
5 including the present application, no one knows what will happen. For most residents, that is an very  
6 stressful experience.

7  
8 Those who purchased homes in the Dawson Tract before this year, and certainly 2 or more years ago,  
9 had reason to believe the area would be developed according to the previously existing pattern. Until  
10 the closely spaced houses on tax lots 3002 and 3003 were built, and construction started on Ocean Park  
11 II, all the other homes were built on larger lots. It was easy to see that pattern, and reasonable to  
12 expect its continuance, regardless of the zoning. Appellant contends existing homeowners have an  
13 equity interest in the consistent pattern of land use established by the Commission's previous decisions.

14  
15 Comprehensive Plan Goal 2 Land Use Planning, policy 3, instructs the Commission to consider "... the  
16 effects of a decision on the entire community ..." <sup>16</sup> One of the greatest effects on a community is the  
17 economic change that follows development. That change is often permanent, for better or worse. The  
18 appellant believes an economic study of the community, done by certified professionals, is required. A  
19 study including the applicant's proposed conditions and building plans could provide the information  
20 needed to evaluate the application.

21  
22 Appellant contends the Commission has not sought any economic analysis, and has failed to determine  
23 the economic effects, of the proposed subdivision. The Commission's decision is flawed because it  
24 lacked sufficient information to make an informed, rational decision. Appellant requests the Council to  
25 correct this problem by instructing the Commission to obtain an economic analysis as part of the  
26 application process, and returning this application to the Commission for that purpose.

27  
28 <sup>16</sup> Exhibit C-2



1 IV. Errors

2  
3 The Commission did not correctly apply Brookings ordinance 176.060.C.5 "The proposed street plan  
4 affords the most economic, safe, efficient and least environmentally damaging circulation of traffic  
5 possible under the existing conditions."

6  
7 Appellant believes the subdivision plan is neither economic nor safe with respect to vehicular traffic.  
8 Several new driveways and an alley would intersect north-south Dawson Rd, just where the street  
9 narrows. The subdivision plan does not create sufficient buffer space along Dawson Rd, nor does it  
10 allow a sufficient line of sight across the Dawson Rd corner.

11  
12 Problems with the line of sight were prominently mentioned in HGE INC's Nov. 25, 2001 letter<sup>17</sup> to Mr.  
13 Bischoff. In that letter, Mr. Nored suggests the parcels should be rotated 90° to reduce traffic problems,  
14 but even that will not solve the line of sight problem. Mr. Nored, in his professional capacity as a  
15 consultant to the City of Brookings, asserts "... this is a difficult corner to construct on".

16  
17 The driveways intersecting east-west Dawson Rd are just around the corner, so those turning right into  
18 Dawson Rd may not see traffic coming around the corner. Things could be even less safe when  
19 making a left turn from east-west Dawson Rd into a driveway. Also, there is a hazardous USPS  
20 maildrop on the north side of east-west Dawson Rd near the corner, where cars and people collect.

21  
22 There are already several driveways on the west side of north-south Dawson Rd facing the proposed  
23 subdivision, in addition to Holmes Drive at the corner. Since north-south Dawson Rd starts shrinking  
24 just at this block, it will be difficult to turn right from the proposed alley into Dawson Rd without  
25 "swinging into" the oncoming lane. There are just too many things for drivers to watch, whether  
26 turning left into the proposed alley or turning right into Dawson Rd.

27  
28 <sup>17</sup> Exhibit H



1  
2 The Commission proposes to solve this problem with several STOP signs at the corner. That won't  
3 solve the line of sight problem, or make left turns any less dangerous for west- and south-bound traffic.

4  
5 Appellant suggests the simplest solution to these traffic concerns is a one-way counter-clockwise rotary  
6 at the Dawson Rd corner, which would prevent left turns and guarantee a view of on-coming traffic  
7 from all driveways. In addition, north-south Dawson Rd should be widened to the same standard as  
8 east-west Dawson Rd; viz., 36' curb-to-curb. Approving the proposed subdivision will render widening  
9 of Dawson Rd very costly or impossible, so this is a critical decision.

10  
11 The Commission was very concerned about several aspects of the application related to the Dawson  
12 Tract Circulation Plan. The Commissioners clearly understood that approval of the subdivision would  
13 increase traffic at the Dawson Rd "S" curve, and reduce safety on Dawson Rd. The Commission was  
14 sufficiently concerned to schedule this matter for their next working meeting with the Council.

15  
16 The Commission's discussion shows that there are unresolved safety problems on Dawson Rd, which  
17 are increased by this application. Some Commissioners indicated delaying this application would be  
18 appropriate, while repairing or upgrading Dawson Rd is being considered. Mr. Collis questioned me  
19 extensively about Dawson Rd<sup>18</sup>. In discussing the application, Mr. Collis announced that he would  
20 propose a motion to resolve his concerns about Dawson Rd as related to the subdivision. Mr. Gyuro  
21 acknowledged Mr. Collis' intention to make a motion. On first reading, Mr. Collis took considerable  
22 time before eventually voting "yes" on the application. Shortly after the first vote was recorded, Mr.  
23 Gyuro proceeded to the second reading and final vote, *but did not request or consider Mr. Collis'*  
24 *motion*. The second vote was taken very rapidly and recorded. *Then, after a pause, Mr. Collis made a*  
25 *motion to table the previous action*. After a short discussion, the Chair determined that the motion was  
26 not in order because the matter had been decided.

27 <sup>18</sup>

28 Mr. Collis was concerned about the capacity and safety of the Dawson Rd "S" curve at the intersection with Highway 101.



1 Based on the discussion among the Commissioners, Mr. Collis' motion was clearly intended to delay  
2 the final decision until the Commission's next meeting, in order to have time to resolve certain factors<sup>19</sup>.  
3 These same factors were the subject of considerable discussion among the Commissioners, and a delay  
4 in a final decision may have had majority support among the Commissioners. Had Mr. Collis' motion  
5 carried, this case would still be before the Commission.

6  
7 Appellant believes Mr. Collis' motion was in order before the second reading. Mr. Gyuro recognized  
8 Mr. Collis' intention to make a motion. Thus, Mr. Gyuro erred in not considering Mr. Collis' motion  
9 before ordering the second reading and final vote. A possible relief for this error is remanding the case  
10 to the Commission, with instructions to reconsider the application, all or in part.

11  
12 The subdivision includes a "private street" with a number of problems. Mr. Gorman voted against the  
13 application because of the design of the "hammerhead" in the private street. Among the problems are  
14 requirements for multiple parking spaces on each parcel, as there is no space for on-street parking.

15  
16 After checking the Dawson Tract Circulation plan, Table 172.020-1, appellant believes there are better  
17 plans to handle the situation. That there are better plans is indicated by the suggestion in the HGE  
18 INC letter that the lots be rotated. For example, the subdivision could be designed as a cull-de-sac,  
19 using one of the patterns in 172.020 allowed for that area<sup>20</sup>. If all the parcels face on a City standard  
20 width cull-de-sac, there may be less need for special parking arrangements, access to Dawson Rd  
21 would be controlled, and multiple driveway intersections are eliminated.

22  
23 Appellant notes Exhibit E-4, which clearly shows a cull-de-sac on the subject property, intersecting east-  
24 west Dawson Rd. The proposed subdivision does not conform to that map, which is part of the  
25 Dawson Tract Circulation Plan, but would be vaguely similar if rotated 90° (as HGE suggests).

---

26 <sup>19</sup>

27 Other factors of concern were the layout of the private street, the location of  
driveways, and traffic safety at the Dawson Rd corner.

28 <sup>20</sup> See Exhibits E-1 through E-4



1 The proposed subdivision is located at the key intersection on Dawson Rd within Dawson Tract, so its  
2 development immediately affects and limits possible solutions to traffic problems. Given the traffic  
3 problems acknowledged by the Commission, the Commission should have found solutions to the  
4 problems before, and as a condition of, approving the application.

5  
6 Appellant believes the Commission should consider the eventual cost to neighborhood residents of  
7 traffic accidents, as well as the stress caused by increased traffic, accidents, etc. Increased traffic flow is  
8 a direct result of the subdivisions approved by the Commission. (The increased number of parcels in  
9 Ocean Park II is germane to traffic flow at the Dawson Rd corner, as that subdivision increases traffic  
10 interactions all along Dawson Rd. Appellant believes Ocean Park II developers have some liability for  
11 the increased traffic, and the costs imposed on the neighborhood.)

12  
13 Appellant believes the Commission's approval of the application is not supported by the evidence  
14 before the Commissioners. The Commissioners were aware of the problems, and either failed to make  
15 the modifications required to solve them, or to deny the application if they could not be solved. The  
16 Commissioners stumbled over procedure in handling Mr. Collis' motion. This procedural error appears  
17 part of a rush to judgement which appellant simply cannot understand. Therefore, Appellant requests  
18 Council to deny or modify the application, so as to grant appellant the requested relief.



Summary

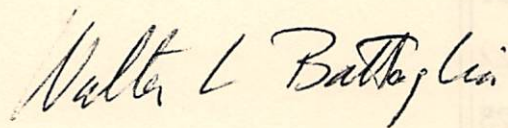
Appellant contends the Commission did not act in the Public Interest, as prescribed by various policies of the Brookings Comprehensive Plan. Appellant further contends the Commission's procedures are sufficiently biased in favor of the applicant, contrary to the policies in the Brookings Comprehensive Plan, that an impartial decision cannot be made. In these two contentions, appellant claims the hearing on the application was procedurally defective, so invalid.

Appellant contends the Commission's decision was not based on the preponderance of evidence, either because the Commission failed to discover relevant evidence, minimized countervailing facts or simply ignored conditions brought to its attention; thus, it erred in approving the application.

Based on the foregoing analysis and arguments, the applicant believes the Council has the authority and sufficient reason to grant appellant the requested relief.

The appellant certifies that the foregoing statements of fact are true and correct to the best of his knowledge and belief, and that appellant's representations are based on his understanding of the law, regulations and policies applicable to this matter,

Respectfully submitted,



Walter L. Battaglia



## POLICIES

1. City shall not unduly restrict land development thereby artificially inflating the cost of both new and existing housing, but rather provide land in suitable quantities and encourage the construction of new residential units to meet increased demand.
2. City shall provide for a variety of housing options and sites and plan for suitable locations. It is recognized the private sector will continue their leadership role in this function.
3. City shall advance where possible the evolution of safe and aesthetically pleasing residential neighborhoods that are efficiently integrated with business and commercial property, schools, parks, public facilities and other urban development.
4. City shall, through mapping and other means, provide, where known, general information relative to site development suitability.
5. City shall keep an inventory of the city's housing stock and regularly update significant statistics.
6. City shall give consideration to alternative residential construction both in form and layout, for such reasons as aesthetic, energy conservation, lessened development costs, and provision of more usable open space.
7. City shall allow mobile homes in mobile home parks, mobile home subdivisions and planned developments.
8. City shall, in light of increasing demand for multi-family housing, provide suitable and adequate areas for such development.
9. City shall encourage maintenance of the existing housing stock in safe and livable condition.
10. City shall continuously monitor and inspect all phases of both new residential construction and improvements to existing structures to insure safety and code compliance.

Copy of Goal 10 Housing Policies  
[Exhibit A]



# GOAL 1

## CITIZEN INVOLVEMENT

### GOAL:

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

### FINDINGS:

1. In the summer of 1976, the City Council initiated the discussion and evaluation of a citizen involvement program. After the evaluation, the Committee for Citizen Involvement was formally established in August of the same year. The Committee consisted of the Planning Commission and four citizens. The responsibilities of this group were to develop and evaluate citizen involvement and insure that the proper level of outside agency coordination occurs.
2. Starting in October of 1976, the Committee for Citizen Involvement has reviewed and discussed all inventory materials developed by their staff. As a part of insuring citizen input into the process, the group developed two questionnaires. The first one was a general land use opinion survey, which was used in establishing general goals and policies and development of a problems and issues paper. The second survey was entitled, The Brookings-Harbor Economic Development Questionnaire.
3. At the same time the Committee for Citizen Involvement was established, letters were sent to all agencies involved in activities that affected land use in the Brookings area. These agencies were asked to participate in the process and assist in the gathering and evaluating of resource information.

Copy of GOAL 1 COMP. PLAN.

[EXHIBIT B]



# GOAL 2

## LAND USE PLANNING

### GOAL:

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

### FINDINGS:

In order for planning to be fair and effective, there must be clear procedures for making decisions. These should include provisions for making day-to-day decisions that implement the Plan and means of involving the public in planning decisions of the City. In so doing planning should be flexible enough to respond to changes in public opinion and unforeseen circumstances, yet avoiding decisions made to satisfy special interests. Planning should be a well thought out reasoning process, based on the best data available, avoiding hastily made judgments. Planning must be in the interests of the entire community and conducted in a fair and open manner.

This section of the plan established policies that will guide the processes by which planning decisions are made and assures the participation of all interested parties.

### POLICIES:

1. The City will make all reasonable efforts to publicize planning issues and meetings where these issues will be discussed and decided upon.
2. The burden of proving the need for a change in land uses shall be borne by the proponent of the land use request.

Copy A Goal 2 Comp Plan

[ EXHIBIT C-1 ]



3. In instances where public hearings are required, relative to this Plan, the Planning Commission and City Council will follow procedures established in the City's Zoning Ordinance. These bodies are responsible for considering the effects of a decision on the entire community and should not be swayed unduly by persons testifying for or against a particular course of action, but must place this input into its proper perspective and base the final decision on all information provided to them.
4. Planning decisions generally and amendments to this Plan particularly, will be consistent with applicable State Planning Goals.
5. Planning related decisions of the City will be in accord with the policies of the Comprehensive Plan.
6. The City will maintain and regularly update information and maps used as a basis for making planning decisions.
7. The Comprehensive Plan will be thoroughly reviewed and necessary alterations made every two (2) years. The Committee for Citizen Involvement and staff will prepare an initial review for presentation to the Planning Commission, which will conduct at least one public hearing and make its recommendation to the City Council.
8. Changes to the Comprehensive Plan may be made at any time. Proposals for change may be initiated by the City Council, Planning Commission, City staff, or citizens. Once a proposal is made, the following procedures will be followed:
  - a. The City will attempt to gain media coverage of the issues and public notice of the proposed change will be advertised in accordance with State and local requirements.
  - b. Affected public agencies will be informed and asked for a response to the proposed change.
  - c. The proposed change will be submitted to the L.C.D.C. for comment.
  - d. Recommendations will be forwarded by the Planning Commission to the City Council, where changes will be considered according to ordinance adoption procedures.
  - e. Any measures necessary to implement the change will be initiated as soon as practicable.

Copy of GOAL 2 COMP PLAN  
[EXHIBIT C-2]



# GOAL 12

## TRANSPORTATION

### GOAL:

To provide and encourage a safe convenient and economic transportation system.

### FINDINGS:

1. U.S. Highway 101 links coastal communities and is the only through highway in Curry County. Access to commercial establishments and adjacent private property is direct from the highway. Current conditions of roads and streets is generally poor and the maintenance bill to the City is high.
2. Although the facilities at the airport are adequate, more service connecting Brookings with other cities is needed.
3. A 14 foot channel is currently maintained in the Chetco Estuary. Under current conditions barges and tugs negotiate the bar only at high tide and during daylight hours.
4. Brookings will provide and encourage a safe, convenient and economic transportation system.

### POLICIES:

1. The City will develop a system of streets that provides adequate access to all property in terms of utilities and fire and police protection. The downtown business district will be made more accessible to vehicular and pedestrian traffic and street patterns will be developed which discourage a high-speed vehicular traffic and noise in residential areas.
2. The City will encourage improvement to airport facilities and assure that airport approach zones are protected, by coordinating development in the Brookings Urban Growth Boundary and Area of Mutual Interest with the State of Oregon and Curry County in accordance with the Brookings State Airport Master Plan.

*Copy of Goal 12 Com Plan  
EXHIBIT D-17*



3. The City will develop a traffic circulation system which allows adequate access to industrial land.
4. Brookings will encourage the development of additional port facilities and support facilities. (See Goal 16)
5. The City will make provisions for foot traffic in residential areas and provide bike paths and walkways in appropriate areas.
6. Brookings will examine the need for and the feasibility of public transit and will encourage programs which meet the needs of transportation disadvantaged.
7. On a regional level, the City of Brookings encourages reduction in the regions general isolation from the rest of Oregon, improvement of intra-regional transportation, construction of passing lanes and realignments on the entire length of Highway 101 and construction of underpass of Highway 101 at the South end of the Chetco River Bridge.

Copy of Goal 12 Comp Plan  
[Exhibit D-2]



**TABLE 172.020-2**  
**Dawson Tract Right-of-Way And Roadway Width**

<u>Street Name Or Type</u>	<u>Estimated ADT+</u>	<u>Min/Max Right of Way Width (FT)</u>	<u>Min/Max Roadway (curbface to curbface) Width (Ft)</u>	<u>Minimum Sidewalk Width (FT)</u>	<u>Curbs Square Curb (SC) Rolled Curb (RC) Gutter (GT) Gravel Shldr (GS)</u>
Dawson Rd. (North●)	1400	50	28*	4-Both sides Park on north	SC/GT
Dawson Rd. (West●)	800	50	26**	4 - East Side	SC/GT
Pacific Heights●●		50	36	5 - Both side	SC/GT
Shorewood Terrace●●		50	36	5 - One Side	SC/GT
Skyline Dr.●●		50	36	5 - Both sides	SC/GT
Ridgeway St.●●		50	36	5 - Both sides	SC/GT
Passley R.	800	50	26**/30*	4 - Both sides	SC/GT
Skyline/Passley Connector	800	50	26**/30*/36	5 - Both sides	SC/GT
Holmes/Blueberry Loop (Future)					
Type A (cul-de-sac) 50 Lot maximum 750 Ft. maximum length	400	45	24**/30*	4 - One side	RC
Type B (cul-de-sac) 12 Lot maximum 400 Ft. maximum length	100	45	20**/30*	4 - One side	RC
Cul-de-sac radius or hammerhead dimensions	See Map 172.020-3	See Map 172.020-3	N/A		
Private (private drive) 6 Lot maximum	60	20***	N/A		GS

● Existing, improved one side only.

●● Existing improved both sides.

\* Parking one side only. Lots serviced by no-parking side shall provide 6 off-street parking spaces in parking bays or on each lot. Add 1500 square feet to minimum lot size. (See parking sketch 172.020-3)

\*\* No on-street parking. All lots serviced by no parking streets shall provide 6 off-street parking spaces in parking bays or on each lot. Add 1500 square feet to minimum lot size. (See parking sketch 172.020-4)

\*\*\* For properties landlocked, or impacted by steep slopes, geological or soil hazard, or unusual parent parcel dimensions. No on street parking permitted. Lots serviced by Drives shall provide six (6) off street parking spaces in parking bays or on each lot. Add 1500 square feet to minimum lot size. (See parking sketch 172.020-3).

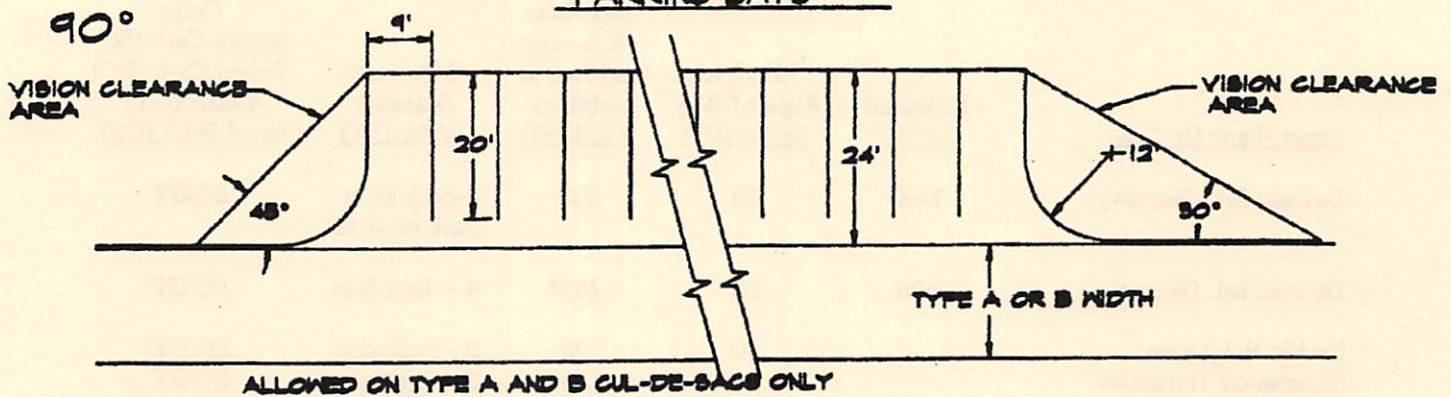
+ ADT = Average Daily Traffic, (for mixed family/retirement area, computed at 8 ADT per dwelling unit).

Copy of Dawson Tract Dev Code  
 [Exhibit E-1]

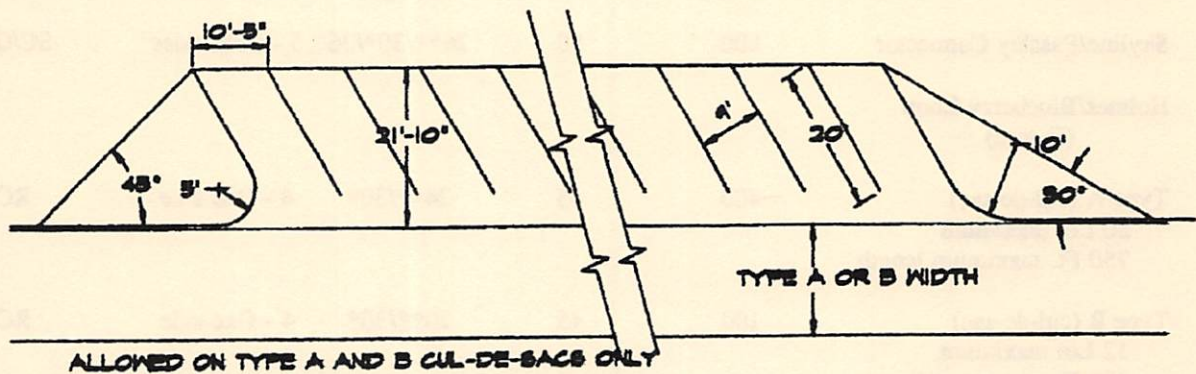


MAP 172-020-2  
DAWSON TRACT NEIGHBORHOOD CIRCULATION PLAN  
PARKING EXAMPLES

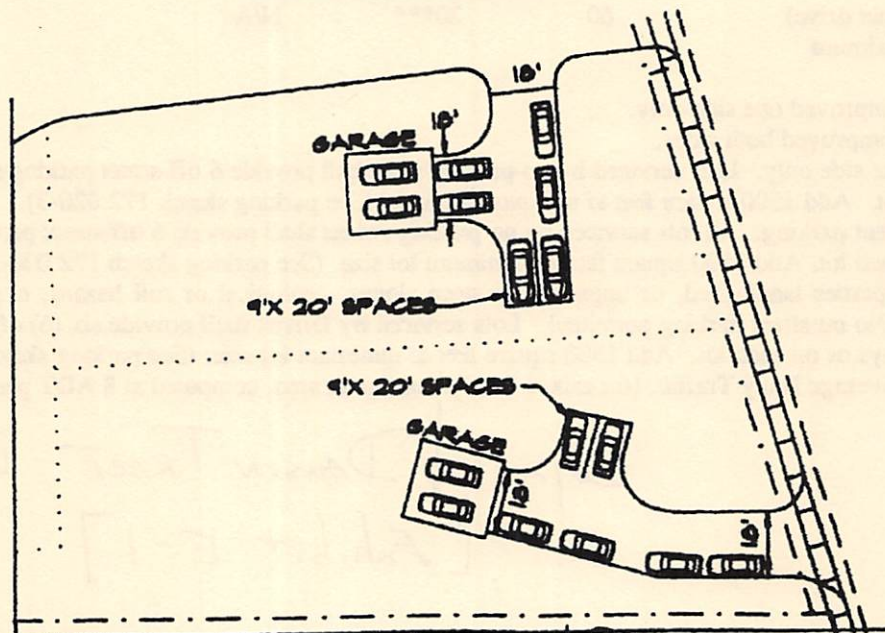
PARKING BAYS



60°

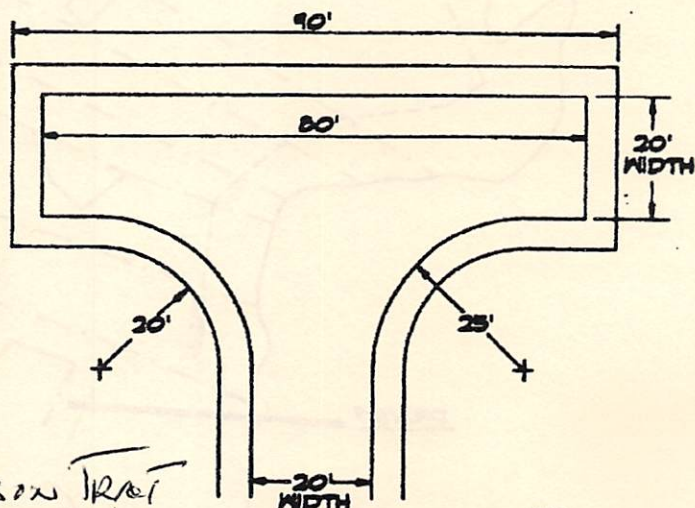
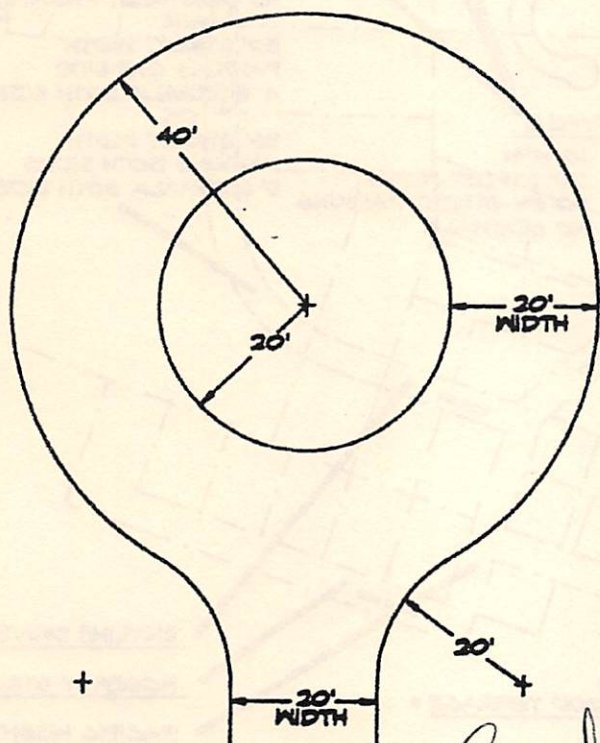
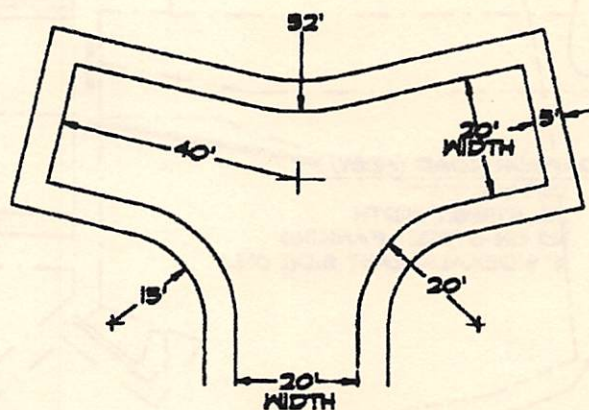
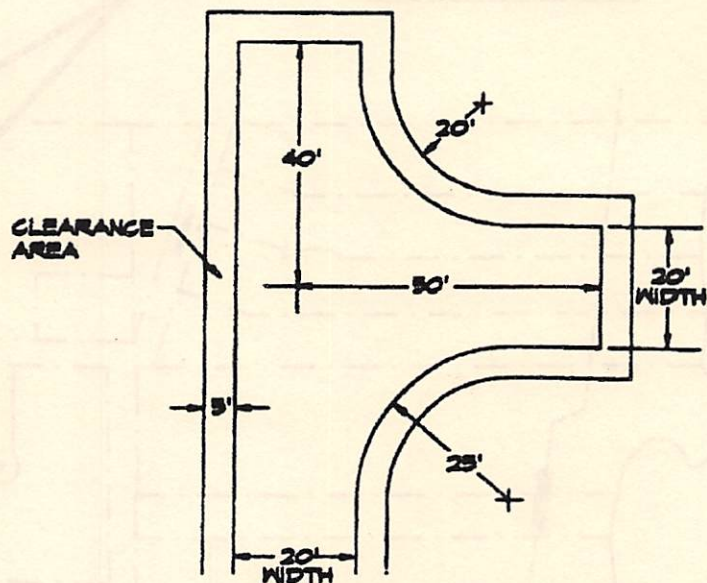
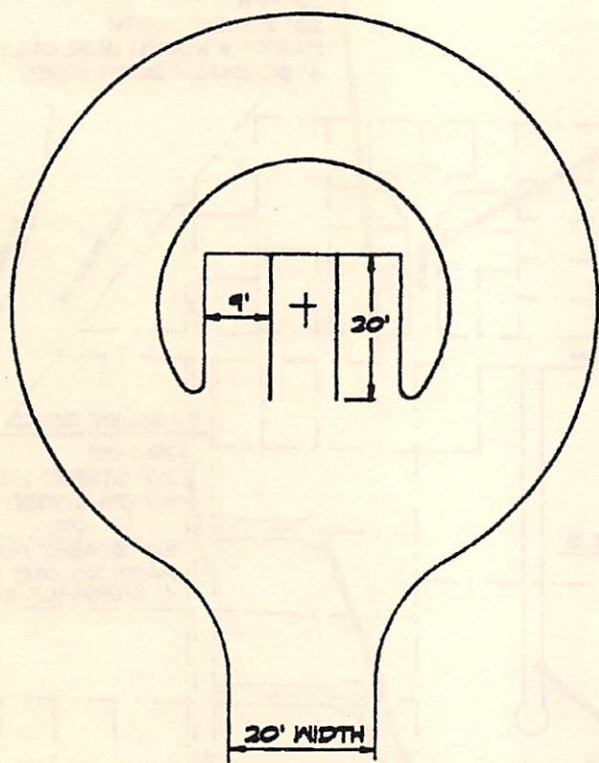


PARKING ON LOTS



Copy of Dawson Tract Dev Code  
 Exhibit E-27

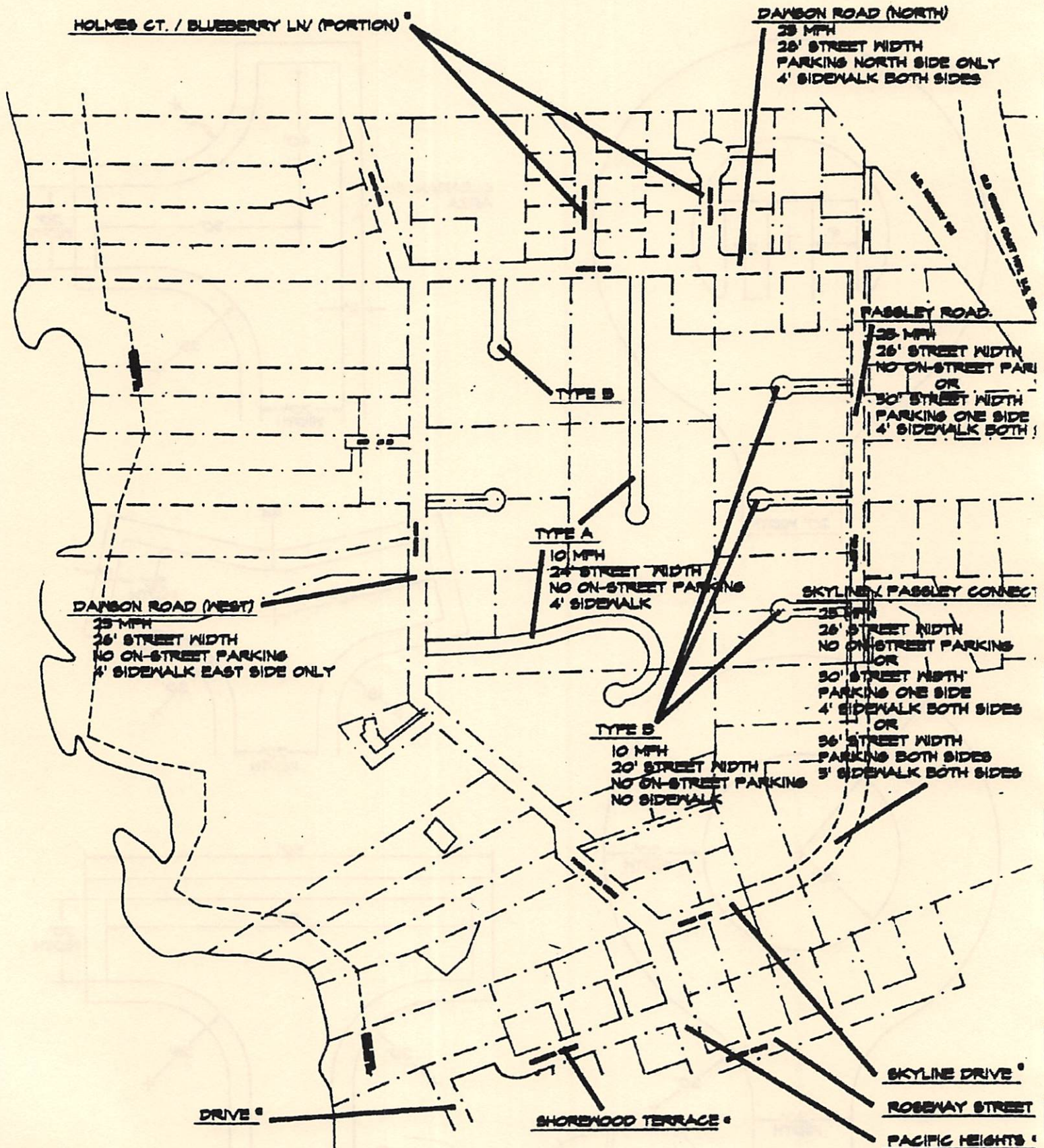




Copy of Dawson Tract  
Dev Code [Exhibit E-3]



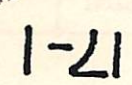
MAP 172.020 - 1  
DAWSON TRACT NEIGHBORHOOD CIRCULATION PLAN MAP



■ EXISTING DEVELOPMENT

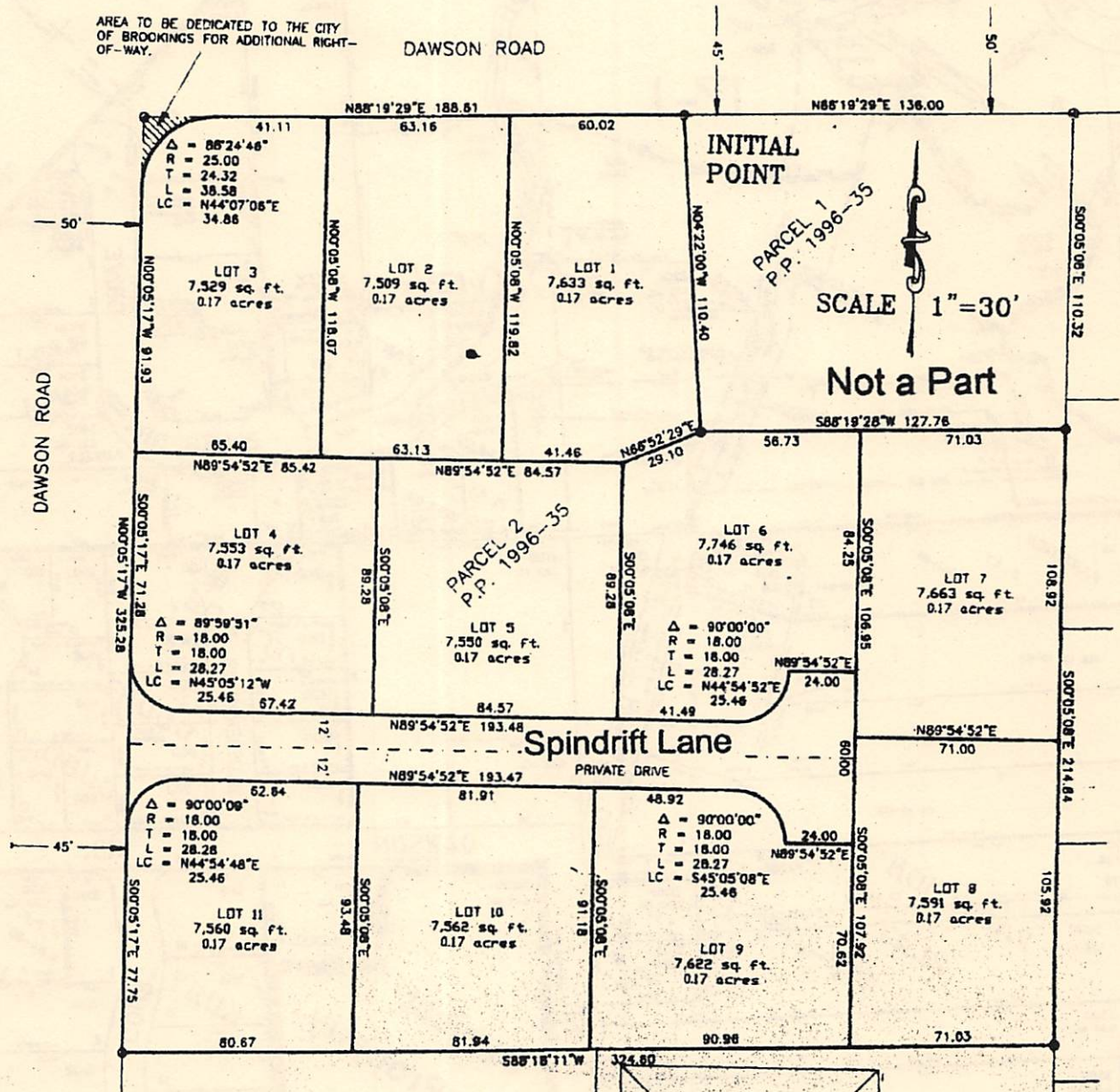
Copy of Dawson Tract Dev Code  
 [Exhibit E-4]



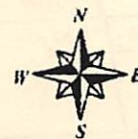
$$[ \vdash \vdash \times h, t \vdash ]$$




COPY



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



Copy of Subdivision Layout [Exhibit G]





ARCHITECTS  
ENGINEERS  
SURVEYORS  
PLANNERS

375 PARK AVE  
COOS BAY,  
OREGON  
97420

541.269.1166  
FAX 541.269.1833  
CELL 541.953.3958  
rnored@hge1.com

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

November 25, 2001

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Attn: John Bischoff  
Planning Director

Re: Spindrift Subdivision  
Project # 9820

Dear John:

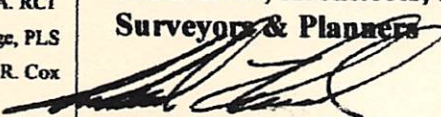
I apologize for not responding to your inquiry regarding the Spindrift Subdivision with more expediency, but this one got buried in a separate file rather than in my in-basket. Your question was regarding access and sight distance for Dawson Road, and this is a difficult corner to construct on.

However, in order to develop the property, these lots will need to access either on the East-West or North-South portion of Dawson Road. Some of the traffic would be eliminated if the lots were rotated 90 degrees, although sight distance will continue to be a concern. Eventually, a stop sign will be needed on Dawson Road North, and this may be a good time to have it installed. Other than a change of orientation, with the lot sizes being proposed and required, sight distance will be a concern.

Please contact me if you have any questions or concerns in this regard. Thank you for the opportunity to be of continuing assistance to the City of Brookings.

Very truly yours,

HGE INC., Architects, Engineers,  
Surveyors & Planners

  
Richard D. Nored  
President

c. LeRoy Blodgett, City Manager  
Leo Lightle, Community Development Director  
Dennis Barlow, Public Works Superintendent

COPY

[Exhibit #]



P.O. BOX 172,  
Ophir, OR.  
97464

February 5, 2002

Mayor Bob Hagbom  
Brookings City Council  
898 Elk Drive,  
Brookings, OR.  
97415

RECEIVED  
FEB 4 2002

RE: APPEAL OF WATER L. BATTAGLIA  
(Dated 12/18/01 (Tax Lot #5000))  
"SPINDRIFT LANE"

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

Dear Mayor Hagbom & Members of the City Council:

This letter is in response to the above referenced Appeal.

After wading through this 24 page Appeal we find it to be filled with inconsistencies, contradictions, unsubstantiated statements, innuendoes and blatant inaccuracies. His legalese, used perhaps to confuse and intimidate, does neither due to lack of rational content. Since most of the inaccuracies are obvious, we will try to address only those items that have relevance.

We purchased this property eleven years ago. Since we had recently moved here, we chose to invest in Curry County rather than elsewhere because we loved the area. We used hard-earned savings hoping one day to have something for retirement. This investment was made based on the standards set down by the city. We agreed with those standards and accepted those responsibilities.

Over the years we have had to make big sacrifices to meet city taxes as well as a sewer assessment of \$53,000. During that time no one ever approached us willing to purchase this land for open space. At times when struggling to meet these commitments, we might well have considered selling....Ironically, most of the objections over the Approval is being done by persons who were never assessed for sewer. (attachments #1 & 2). Many live in the development built by John Zia classified as low-income housing. However, in all fairness, some of these people may be second owners and unaware of this.

As far as neighbors being involved in the planning process, we totally agree residents should have the right to review what developers are doing. (They were advised with ample time in the legal way). However, following the city guide-lines takes technically qualified people such as the Planning Dept., Engineers and Surveyors. The Planning Dept and Commission work diligently in the interests of the residents. They procure as much from the developer as possible and follow the development from start to finish. Neither Mr. Bischoff nor the Planning Commission has any allegiance to us, in fact they do not know us. To suggest that he and the Commission are not impartial and discriminate in favor of the applicant at the expense of the taxpayer, is a totally audacious assumption.

Mr. Battaglia demonstrates aptly his total lack of understanding of how the city approves new developments as shown in his article in the "PILOT." (attachment #3) See our response (attachment #4). If he had investigated properly, he would have found that we are developing lots only. In all probability, these lots will be purchased singularly and custom homes will be developed by the owners. Many of these



buyers will no doubt, be future retirees who will not build immediately. In any event, there will be CC&Rs to ensure that SPINDRIFT LANE conforms to those around it.

The Planning Dept and Commission addressed all the items regarding traffic in their Final Order and Findings plus General Conditions issued 12/6/01 which we will comply with. If the S curve entering 101 is to be modified, then that would be a decision for the whole community.

The Appellant was correct in stating the Commission has established precedents in determining land use in Dawson Tract (page 12 line 13 & 14). Now he would like to see these changed purely for his own benefit as shown in his letter dated 12/6/01. (attachment #5).

He goes on to state that the area is taking a "downward trend". Nothing could be farther from the truth. Since he has lived in Dawson Tract barely a year, it is safe to assume he does not know how it looked eleven years ago. Granted, there was a lot more open space. However, while there were some lovely homes (mostly with ocean views), there were also many run-down shacks with broken down cars fronting some of these properties. There was little continuity, no side-walks, curbs, gutters or street lights and little or no landscaping. Since the Neighborhood Circulation Plan came out in 1993 a marked improvement has occurred.

In one breath Mr. Battaglia states we will bring property values down and in the second breath they will increase! It appears he does not want it either way..... We should live in such a Utopia! In reality, we believe it will broaden the tax base which the city desperately needs to pay for the ever increasing costs of services provided and enjoyed by city residents. Open space is not a feasible option for most residents within the city limits because it is too expensive.

To prove our point: We own the house directly opposite Mr. Battaglia's (attachment #6 & #7)) which is adjacent to SPINDRIFT LANE. Since our house is larger and on one third of an acre, why would we want to bring our property values down? In fact, once we can afford to do so, we hope to revamp this house to fit in with the new development.

By far our biggest concern whilst owning this property has been "Fire Danger." Each year the Fire Chief contacts us to immediately have this property mowed and we have always complied. (attachments #8 & #9) It is a well known fact that teenagers frequent this site and it would only take a fire being lit or a cigarette stub being discarded to cause a dangerous situation. The residents of Bandon and Coos Bay know how fast fire can spread.....

The Appellant does not seem to know that the developer pays for all the improvements that he and the other residents will enjoy. These improvements are expensive but they make the whole community aesthetically pleasing and safer. How to efficiently use this land was decided long before Mr. Battaglia arrived and the guide-lines were established to make sure this land was developed in an efficient, orderly manner resulting in benefits for everyone.

He goes on to threaten that Dawson Tract property owners may have cause to seek compensation from the city and the developers. Exactly on what basis?? We as the developers took planning this property very seriously. That is why we did not choose to go to the smallest size lots (6,000 sq. ft), decided on houses with CC&Rs rather than mobile homes (which already exist in Dawson Tract) and chose the most professional people who had previous experience in the area and will do a good job. Therefore, any modification at this point would be a financial hardship on us. We undoubtedly, would be the ones who would have cause to seek compensation - not anyone else.

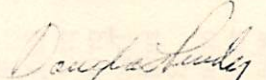
Finally, we see Mr. Battaglia as having only one point of view - his own. He adamantly rejects the opinion of others (we tried for half an hour after the last meeting), to no avail. It is apparent by the comments made in his Appeal that no one is capable of doing a good job. We cannot help but feel that it is beyond the ability of anyone to satisfy such an ego. If anything is going to de-stabilize this community, it will be agitators like him.

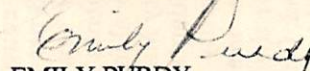


We certainly do not wish to infringe on the rights of others - nor do we want them to infringe on ours.....

We sincerely hope this Appeal does not get any further recognition and that the City Council affirms the Commissions decision.

Most sincerely,

  
DOUGLAS L. PURDY

  
EMILY PURDY

Encls: Attachments #1 - 9

cc: Planning Commission ✓  
Planning Dept  
City Attorney



# Dawson Tract residents must pay back \$3 million for improvements

By **BILL SCHLICHTING**  
Pilot Staff Writer

Dawson Tract residents have received notice that they will be paying back \$3 million in costs of the recently completed water and sewer improvements.

The Brookings City Council will hold a public hearing on the assessment 7 p.m. Monday, April

6, in Brookings City Hall council chambers.

The council will discuss a \$20,783-per-acre assessment to pay for sewer and water improvements within the Dawson Tract local improvement district, said City Manager Dennis Cluff.

Residents will be given the opportunity to voice objections at the meeting regarding whether their property is fairly assessed, Cluff said.

Should there be changes in a property owner's assessment, the per-acre assessment could be redistributed among the other residents, thus changing the assessment amount, Cluff said.

Once the assessment is final-

ized, each property owner will have the option of paying cash for the indebtedness, or participate in a Bancroft Bond program and pay the assessment over a period of 20 years at 7 percent interest, Cluff said.

The bond assessment is higher than the originally anticipated \$18,000-per-acre assessment, which was made three years ago, Cluff said. The amount went up because the project was made larger.

However, Cluff added, the costs were offset by a \$700,000 grant to pay for the more than \$3 million project.

Had it not been for this grant, the assessment would be con-

siderably higher, Cluff said.

On the other hand, the project took six months longer to complete.

During the six-months, the city accrued nearly \$90,000 in interest on a short-term loan to finance the project. This additional interest must be born by the property owners in the district, Cluff said.

In addition, district property owners must pay costs incurred by negotiations between the city and James W. Fowler Co.

Dawson residents must pay these costs or else the rest of the city would have to pick up the bill, Cluff said.

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FEB 4 2002  
CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT



RECEIVED

FEB 4 2002

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

# Brookings approves Dawson assessments

## #2 Local improvement district to pay for \$2.8 million sewer, water project

By BILL SCHLICHTING  
Pilot Staff Writer

The Brookings City Council approved final assessments for residents in the Dawson Tract, Oregon Driftwood Shores, West Harris Heights local improvement district.

The council reached agreement on only two of the 24 objections to the assessments after a three-day series of meetings ending Wednesday, April 8, said City Manager Dennis Cluff.

Assessments are to pay off a \$2.8 million project providing city water and sewer services to the north Brookings neighborhoods.

Residents were mailed their final assessment notices Thursday, April 9, Cluff said. Residents also were told that sewer hookups are available and residents can begin the process of

hooking up to the system after Monday, April 13, Cluff said.

The final assessment is \$20,595 per acre. That is the latest figure submitted by HGE engineering consultants and presented to the council April 6. That figure was decreased from the original \$20,783-per-acre assessment determined earlier this month.

Residents have 20 days to file an appeal to the council decision with the circuit court. They also have 30 days, effective the day the council made its decision, to either pay off the assessment in

cash or sign up for a Bancroft loan, Cluff said.

A Bancroft application is included with the final assessment letter, Cluff said.

A person who applies for the Bancroft loan will be billed by the city every six months for the next 20 years, Cluff said. Unlike traditional loans, a Bancroft bond stays with the property, not the homeowner.

The city agreed to change the assessments on the two properties because the property owners were assessed for land that was dedicated to the city as a street

right-of-way, Cluff said.

Cluff said these property owners were granted their appeals because they would be paying an assessment for land that now belongs to the city.

The council chose to pick up the \$12,055 bill for the assessment on these new streets. The streets are Holmes Court in the Cottage Court subdivision and an unnamed street that travels northwest from a cul-de-sac on Blueberry Drive immediately north of Cottage Court subdivision.



## Oppose planned subdivision

#3  
Editor:

The Planning Commission decides on another Dawson Road subdivision Tuesday, Dec. 4. The developer wants to make 11 lots out of 2 acres.

I oppose this subdivision. I am circulating a petition against it, which many residents signed. I ask the Dawson area community to show its further opposition by appearing at the commission hearing.

The commission recently approved more lots in Ocean-side II and near S. Passley. The commission seems unable to refuse anything developers want, however contrived, regardless of any ill effects on the neighborhood.

The result is helter-skelter, ticky-tacky, which most residents feel is a blight.

Planning Director John Bischoff made it clear to me the commission refuses to regulate neighborhood development, so long as minimum standards are met. But, the commission has often not enforced minimal standards - curbs, sidewalks, etc. - until some unspecified date. Thus, the minimum (or less) becomes the maximum.

The planning commission should not abdicate its responsibility to regulate development. The commission's priority should be real community improvement, not developer welfare.

What I and others in the Dawson area want is reasonable development, a plan that enhances the neighbor-

hood. I believe our desire also represents the best interests of the city.

Walter L. Battaglia  
Brookings

RECEIVED  
FEB 4 2004  
CITY OF OREGON  
COMMUNITY DEVELOPMENT



# Anti-development residents have drawbridge mentality

Emily Purdy  
Property owner  
Ophir

This is in response to Walter L. Battaglia's letter to *The Pilot* on Saturday, Dec. 1, opposing a sub-division that my husband and I plan to develop in Dawson Tract; also, the article in your paper announcing the approval of this development on Dec. 8.

We have owned this property for 11 years paying high taxes and a huge sewer assessment. Each year we are required to have this 2-plus acre property mowed professionally to prevent fire danger and we looked forward

to the day when we might get a decent return on our investment.

Mr. Battaglia obviously has no idea what developing within the city limit means. The Planning Department and its staff work diligently for the public to ensure that all development within the city meets certain stringent rules and regulations as set down by law.

All this is done prior to it being presented before the City Planning Commission. It in turn is given all the specifications and details for its examination as well as visiting the site prior to its public meeting. This entails

the hiring of a surveyor plus an engineer by the developer.

Most of the people who signed the petition had never even bothered to review the plans. Even Mr. Battaglia was not aware that we are dividing the property into lots and the buyers will have the homes built for them.

Some of you live on lots smaller than those advocated by us and in developments with greater density. How can you in good conscience deny people the same rights you have enjoyed?

Your article written by

Susan Schell could also be misconstrued. There are no problems with our property. Any problems cited therein (there are no drainage problems) are the result of people not wanting change.

We read constantly how few lots there are available and how we are having difficulty paying for all the services that people enjoy. How do people expect to meet the future demands of this beautiful city without it being able to grow?

We plan to build a development that is an asset to the community. We have hired professional people who have experience in this

area. We will comply with all the standards set down by the city including putting in sidewalks, curbs and street lights. We have chosen to restrict it to houses rather than mobile homes and will have CC&Rs for the homeowners.

Anyone who has known us for any length of time knows we have a great respect for aesthetics and when we do things, we do them right.

We understand our neighbors not wanting change. They have enjoyed a 2-plus acre pasture in their midst for 11 years and it did not cost them anything. We

can appreciate they do not want this to change, but change it must.

Some of you who signed the petition have lived in Dawson Tract for a very short time – some less than a year including Mr. Battaglia. These people "bought into" city living with all the conveniences and with that goes some degree of density. You had a choice and you made it.

We live in a very beautiful area but some feel that they are here and nobody else should come. However, nothing stays the same and change is inevitable.



ATTACHMENT #5

**CALIFORNIA EXPERT SOFTWARE**

17304 Blueberry Drive ♦ Brookings, OR 97415-9717  
(541) 469-3593 ♦ e-mail: calxsoft@harborside.com

RECEIVED

FEB 4 2002

December 6, 2001

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

Douglas & Emily Purdy  
P.O. Box 172  
Ophir, OR 97464

RE: SUBDIVISION OF TAX LOT 5000

Dear Mr. & Mrs. Purdy,

I am sorry you felt badly about the hearing on your plan to subdivide your property. I apologize for any hard feelings I may have caused.

I am taking this step, even though it is not usual for opponents in a judicial process to talk directly to each other.

I know that you have tried to provide for your tenant, Harley. And, I believe you are trying to do the best you can for the neighborhood with your property. While I do not know your financial circumstances, I do understand your concerns about retirement investments. (I have no retirement fund or pension except what I earn myself and the least benefit social security will pay, and I am nearly 62.)

I hope you will understand that my opposition to your subdivision plan is not directed at you, personally; I just disagree with the plan. There is a difference.

( I also hope you will accept that I and other neighborhood residents are NOT opposed to all development here, or on your land. Most of us just have a somewhat different idea of how it should be developed. Further, I believe you and the neighborhood would profit more from a different subdivision plan (although I could be wrong about that). )

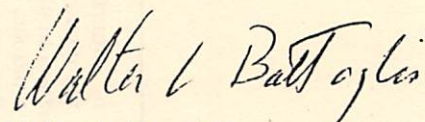
( Please also understand that, since your subdivision will be right in front of my home, I will either have to live with whatever it becomes or just sell my house, possibly at a loss, and move. )

Unfortunately, once you file the application, the planning process doesn't provide for discussion, negotiation or mediation about development. It just forces an adversary proceeding in which the parties are either for or against. As a practical matter, it just doesn't work to seek modifications; people wanting to change a plan are forced to oppose the plan to get any change at all. This is just the way our legal and political systems work, to the irritation and frustration of most of the people most of the time.

So, please do not take our difference of opinion personally. I am certainly willing to consider your thoughts on this and other matters. I hope you will take into account the concerns I and my neighbors have.

Please also accept my best wishes for you and yours during this holiday season,

Sincerely yours,



Walter L. Battaglia  
Consultant

cc: Lloyd Matlock, Planning Commission



16 ATTACHMENT #6

Screen Print from AbleTerm session (Assessment on RS6000) 10:24 AM 12/24/2001

\* - - Property Data Selection Menu - -  
 -1 Owner: PURDY, DOUGLAS L & EMILY  
 Prop ID : R27289 (Real Estate) (2491) P O BOX 172  
 Map Tax Lot: 4014-36BB-05001-00 OPHIR, OR 97464  
 Legal : PARCEL 1 PART PLAT 1996-35, ACRES  
 0.33

FEB 4 2002

Situs : Year Built : 1981  
 Living Area: 1542

Name(s) :  
 Code Area : 17-1

CITY OF BROOKINGS  
 COMMUNITY DEVELOPMENT

Sale Info : 2001 Roll Values

Deed Type :  
 Instrument: Improvements \$ 97,730 (+)  
 Land \$ 55,050 (+)  
 Appraised \$ 152,780 (=)  
 Exemptions \$ 0 (-)  
 Taxable RMV \$ 152,780 (=)  
 M50 Assessed \$ 139,570  
 2001 Tax Status \* Unpaid Taxes \*  
 Current Levied Taxes : 1,495.83  
 Special Assessments :  
 2002-03 SB125 Taxes :

(A)lt Disp	(Y) primary	(S)econdary	(L)and/Impr
(G)en Appr	(O)wnership	(H)istory	(.) More

Enter Option from Above or <RET> to Exit: \_

17 ATTACHMENT #7

Screen Print from AbleTerm session (Assessment on RS6000) 02:00 PM 12/18/2001

\* - - Property Data Selection Menu - -  
 -1 Owner: HWANG, SHIOW C ET AL  
 Prop ID : R10300 (Real Estate) (45900) 17304 BLUEBERRY DRIVE  
 Map Tax Lot: 4014-36BB-01600-00 BROOKINGS, OR 97415  
 Legal : LOT 1 COTTAGE COURT SUBD

FEB 4 2002

Situs : 17304 BLUEBERRY RD Year Built : 1992  
 BROOKINGS, OR 97415 Living Area: 1233

Name(s) : ETAL: BATTAGLIA, WALTER L  
 Code Area : 17-1

CITY OF BROOKINGS  
 COMMUNITY DEVELOPMENT

Sale Info : 09/15/00 \$108,000

Deed Type : WD 2001 Roll Values  
 Instrument: 00-4764 Improvements \$ 60,930 (+)  
 Land \$ 41,970 (+)  
 Appraised \$ 102,900 (=)  
 Exemptions \$ 0 (-)  
 Taxable RMV \$ 102,900 (=)  
 M50 Assessed \$ 95,800  
 2001 Tax Status \* Unpaid Taxes \*  
 Current Levied Taxes : 1,026.73  
 Special Assessments :  
 2002-03 SB125 Taxes :

(A)lt Disp	(Y) primary	(S)econdary	(L)and/Impr
(G)en Appr	(O)wnership	(H)istory	(.) More

Enter Option from Above or <RET> to Exit: \_



## CITY OF BROOKINGS

898 Elk Drive  
Brookings, Oregon 97415  
Phone (541) 469-2166 x 215  
Fax (541) 469-3650  
bsharp@brookingsor.org

## FIRE AND RESCUE



## Request for Cooperation

5-23-2000

Douglas Purdy  
PO Box 172  
Ophir, Or 97464

Dear Mr Purdy:

This letter is to inform you that at the address indicated below there exist conditions that are identified as a nuisance in the City of Brookings Ordinance No 86-0-406. You have been identified as the owner or the person in charge of the property. We seek your cooperation in abating the nuisance before it becomes necessary to issue an Abatement Order.

When the Fire Department becomes aware through complaint or observation that a possible nuisance exists an investigation is made to determine the nature of the nuisance and, if one exists, to begin the abatement process. The process begins with this courtesy letter informing the property owner or the person in charge of the property of a violation and a request for cooperation. If no response is given within 10 days from receipt of this courtesy letter, then a Letter of Abatement is issued. The Letter of Abatement allows 10 days for the property owner or the person in charge of the property to abate the nuisance. If we receive no response or evidence of abatement within that 10 day period the Abatement Order will be forwarded to the City Attorney and the conditions and remedies described in the Abatement Letter will be pursued.

The property description and description of the nuisance are as noted below.

Address: 96447 Dawson Rd , Brookings, Oregon	
Tax Lot: 5000	Map Number: 40-14-36BB
Nuisance: Overgrown weeds and grass causing an actual or potential fire hazard.	
The grass is about 4 feet high. Needs immediate attention.	

Please take time to respond to the City of Brookings Fire Department by letter and to take action to remove the above nuisances within 10 days of receipt of this letter. A written plan to abate the nuisance is important in order to avoid receiving an abatement order.

Sincerely,

William J. Sharp  
Brookings Fire Chief

CC: City Manager, Owner or Occupant

THIS FORM LETTER IS  
RECEIVED EVERY YEAR



P.O. Box 172,  
Ophir, OR.  
97464

RECEIVED

FEB 4 2002

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

June 16, 2000

Fire & Rescue  
City of Brookings  
898 Elk Drive,  
Brookings, OR.  
97415

ATTN: Mr. Wm. J. Sharp  
Brookings Fire Chief

Dear Mr. Sharp:

RE: 96447 Dawson Road  
Tax Lot #5000 - Map #40-14-36BB

This will confirm our telephone conversation of June 8<sup>th</sup>, 2000.

As stated therein, arrangements have been made to have the above listed property mowed.

Unfortunately, we are unable to use any of the persons recommended by you due to their high rates. We are not developers but ordinary hardworking people who have limited income. However, we thank you for the recommendations.

Sincerely,

EMILY PURDY



P.O. Box 172,  
Ophir, OR.  
9746

January 14, 2002

RECEIVED

JAN 16 2002

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

Planning Department  
898 Elk Drive,  
Brookings,  
OR. 97415

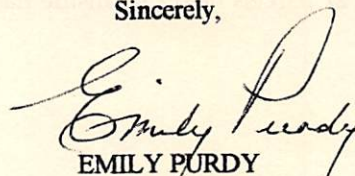
Attn: Mr. John Bischoff

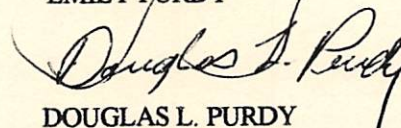
Re: File No. SUB-6-01  
Appeal by Mr. Walter L. Battaglia

This will confirm that we were notified by your office of the rescheduled meeting of the above to be held on Monday February 11, 2002 at 7 p.m.

We are planning to attend.

Sincerely,

  
EMILY PURDY

  
DOUGLAS L. PURDY

E-Mail: [purdygallery@harborside.com](mailto:purdygallery@harborside.com)



WALTER L BATTAGLIA

17304 Blueberry Drive ♦ Brookings, OR 97415-9717  
(541) 469-3593 ♦ e-mail: calxsoft@harborside.com

Brookings City Council  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

RECEIVED

January 2, 2002

JAN 3 2002 JB

RE: APPEAL OF PLANNING COMMISSION CASE # SUB-6-01  
CHANGE OF APPEAL HEARING DATE

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

To the Council:

Today, I discussed, and agreed upon, the scheduling of the above matter with John Bischoff, Planning Director.

We agree the appeal will be heard at the City Council's regular meeting, February 11, 2002.

I request the hearing be scheduled early in the Council's Agenda, as several interested persons are unable to sit for long periods or stay until late hours due to age or disability. The Council should provide for hearing the testimony of such persons as early as possible in the proceedings.

On this understanding, I waive the right to have the matter heard within 40 days, as prescribed by the Land Development Code, Sec 156.020, concerning "Appeals to the City Council."

Errata: References to "Ocean Park II" in the appeal mean the development commonly described and advertised as "Oceanside Estates II", consisting of some 27 parcels near Oceanside East and Dawson Rd.

Yours truly,

  
Walter L. Battaglia  
Appellant

cc: NBCA



North Brookings Community Association

c/o 17304 Blueberry Drive Brookings, OR 97415-9717  
(541) 469-3593 or (541) 412-7948

January 6, 2002

Brookings City Council  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

RECEIVED  
JAN 8 2002

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

RE: APPEAL OF PLANNING COMMISSION CASE # SUB-6-01

To the Council:

Our Association approved a Resolution on Dec 16, 2001 to support the appeal of the Planning Commission's decision on Case # SUB-6-01 submitted by Walter L. Battaglia.

The entire appeal was reviewed and approved by the Association's Executive Committee and General Membership prior to submission. The Membership is most supportive of certain goals of the appeal, such as:

- ★ Limiting the number of homes to be built to 6
- ★ Requiring all driveways to enter the common interior street
- ★ Making the interior street a cull-de-sac as shown on the Dawson Circulation Plan

Most importantly, we support the policy in the City's Comprehensive Plan, that residents should have the maximum opportunity to participate in community planning. To implement that policy, the Planning Department should be more accessible to residents and inform residents of proposed neighborhood changes as soon as possible.

Many of our Members wish to testify on aspects of the proposed subdivision when the Council hears this appeal, February 11, 2002. The Association supports the Council's giving everyone a full and fair hearing on this important matter.

We attach a list of our members who support the appeal, and the signatures of those available this date to sign this letter, as directed by a vote of the Membership this date,

*no list was attached to the copy received  
by the planning Department  
1-8-02*

*WLB*  
Walter L. Battaglia  
Chair

*CS*  
Charles Stanton  
Vice Chair

*JCB*  
list attached LMB  
from corg

*copy*



David A. Millett

Caroline H. Douglass

Michael O. Tidwell

Almo J. Cordone

Mary L. Cordone

Paula Drazo

Albert R. Terro

Donna M. Terro

Bob Eckhardt

William Robertson

Lannah Holstein

Wendie White

Robert Paul

Robert O. White

Joe Paul

Sam Swygert

Tom Swygert

Loane Holmes

Regina H. Rish

John Compton

Charles W. Stanton

Charles C. Stanton



# NORTH BROOKINGS COMMUNITY ASSOCIATION

## MEMBERSHIP LIST

Page 2

Lorene Holmes  
17350 Holmes Drive  
Brookings, OR 97415  
(541) 469-3025

Paula Brande  
17350 Holmes Drive  
Brookings, OR 97415  
(541) 469-0798, email [pbrande@uci.net](mailto:pbrande@uci.net)

Robin Simpson  
96453 Shorewood Terrace  
✓ Brookings, OR 97415  
(541) 469-3624

Elaine Shawaker  
✓ 17292 Holmes Drive  
Brookings, OR 97415  
(541) 469-6499

Regina Rushe  
17171 Ocean Park Court  
Brookings, OR 97415  
(541) 412-1337, email [reginar@harborside.com](mailto:reginar@harborside.com)

Michael J. Freels, Director  
✓ 17332 Blueberry Drive  
Brookings, OR 97415  
(541) 469-0678, email [fcaptmike@aol.com](mailto:fcaptmike@aol.com)

Michael Tidwell  
✓ 96382 Dawson Road  
Brookings, OR 97415  
(541) 469-2498

Julie Attebery  
✓ 17290 Garvin Court  
Brookings, OR 97415  
(541) 412-8409

**NORTH BROOKINGS COMMUNITY ASSOCIATION  
MEMBERSHIP LIST**

Page 4

Philip Guerrieri  
96388 Dawson Road  
M/A P.O. Box 1178  
Brookings, OR 97415  
(541) 469-9920, email [kppguer@wave.net](mailto:kppguer@wave.net)

Ann Dawson  
17343 Dawson Road  
Brookings, OR 97415  
(541) 469-3500

✓ Al LaCom  
96384 Dawson Road  
Brookings, OR 97415  
(541) 469-3478

Sharon Allen  
17360 Blueberry Drive  
Brookings, OR 97415  
(541)-----

John Compton  
17335 Blueberry Drive  
Brookings, OR 97415  
(541) 469-4232

David A. Millette  
96513 Susan Place  
Brookings, OR 97415  
(541) 469-2299

6 January 02  
38 Members



North Brookings Community Association

c/o 17304 Blueberry Drive Brookings, OR 97415-9717  
(541) 469-3593 or (541) 412-7948

January 6, 2002

Bill Sharp, Fire Chief  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

RECEIVED  
JAN 8 2002

RE: PLANNING COMMISSION CASE #SUB-6-01  
EMERGENCY EQUIPMENT ACCESS

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

Dear sir,

We are writing to obtain your opinion regarding emergency services in the Dawson Tract.

The Association is concerned about the difficulty of providing emergency services in the Dawson Tract, and areas north of Harris Beach State Park generally. Currently, we have several questions about those services, as follows:

Are there enough fire hydrants along Dawson and S Passley Roads? How many fire hydrants are needed, and how far apart should they be? What would be the best locations for these hydrants to ensure rapid access and complete coverage?

What problems does a "hammerhead" turn-around present to your operations, compared to a circular cull-de-sac? What is the turning radius you need to gain easy access to an area? What problems are presented by on-street and off-street parking in a cull-de-sac?

What difficulties or limitations do Dawson and S Passley Roads present? Is the "S" curve entrance to Dawson Rd from US 101 a problem? Does the Dawson corner (at Holmes) and various road widths present problems? Is the paving and general condition of S Passley adequate to support your equipment?

What plan do you have to regulate traffic and access in the Dawson Tract area during an emergency? That is, how do you prevent possible delays or accidents while equipment is coming and going from the area - especially around the nearly "blind" turns at US 101, Dawson & S Passley, and the Dawson corner?

What plan do you have that residents can follow, in case of a catastrophic event, such as a tsunami or severe earthquake? Are there "emergency preparedness" kits or directions that can be distributed to residents?

*Copy*



These questions have been raised by several of our Members at Association meetings. There is a consensus that there are problems with emergency services and preparedness in Dawson Tract which need to be solved.

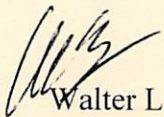
The Association is supporting an appeal to the City Council concerning the above-referenced subdivision. We are worried that the proposed subdivision degrades provision of emergency services due to increased traffic, driveways, road narrowing, etc. The proposed subdivision layout includes a "hammerhead" lane that may not be easily accessible. The fire hydrants and water pressure may not be adequate for the rapidly increasing number of homes and other structures in the Dawson Tract.

Since some of these issues are relevant to the proposed subdivision, we are most interested in receiving your reply before the City Council's hearing of the appeal on February 11, 2002.

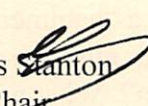
The Association's contact person on these matters is Bob Pirih, Chair, Fire & Emergency Preparedness Committee, phone: (541) 469-0807. If Mr. Pirih is unavailable, please contact Walter Battaglia or Chuck Stanton.

Thanks for your advice and help on these matters,

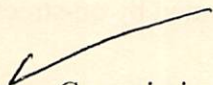
For the Association:



Walter L. Battaglia  
Chair



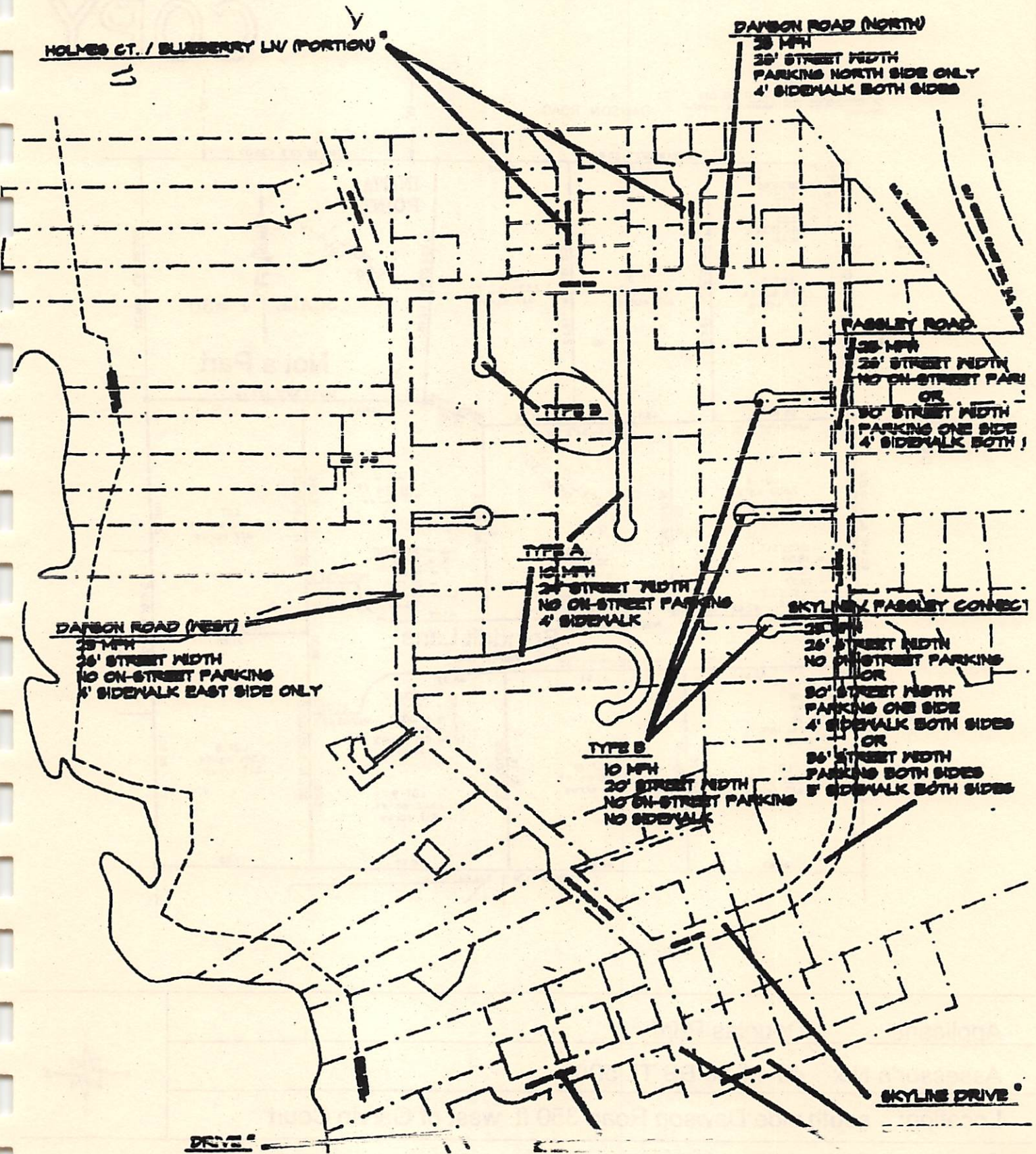
Charles Stanton  
Vice-Chair

 cc: City Council, Planning Commission

enc: Subdivision layout



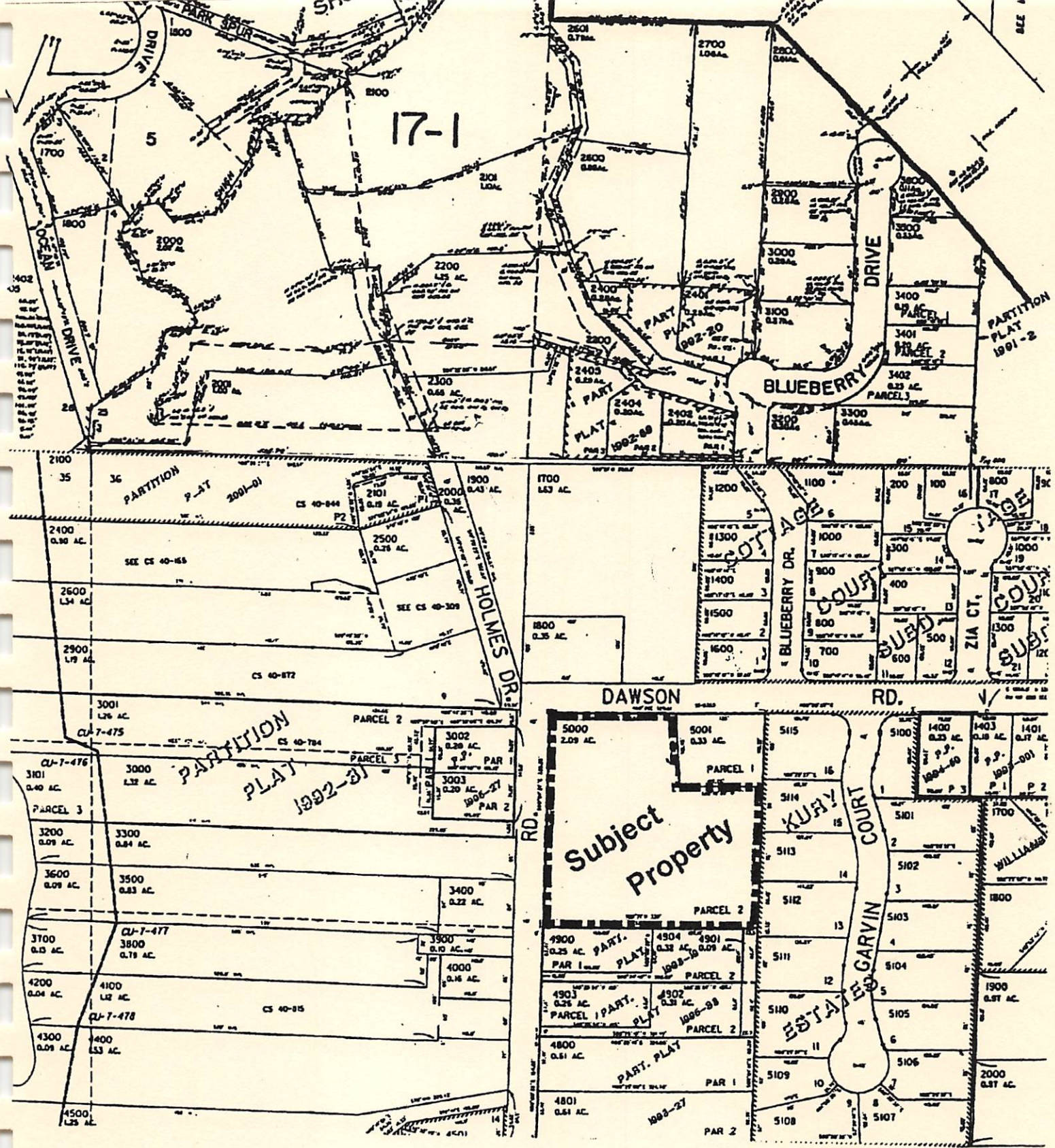
MAP 172.020 - 1  
DANBON TRACT NEIGHBORHOOD CIRCULATION PLAN MAP













Almo & Mary Cordone  
17170 Ocean Park Court, Brookings, OR 97415  
(541) 469-6063 email [scarose@harborside.com](mailto:scarose@harborside.com)

4 February, 2002

Mr. John C. Bischoff, Planning Director  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

RECEIVED  
FEB 7 2002

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

Dear Mr. Bischoff:

I am writing in regards to an appeal to the Planning Commission's approval of the Purdy's Spindrift subdivision scheduled for February 11<sup>th</sup> at the council chambers.


My wife and I moved to Brookings in October of 2000, and we are very pleased with the community, the beautiful ocean and surroundings. We live in the Ocean Park subdivision and are very satisfied with our home and the overall appearance and quality of the development.

However, we are very disappointed in the planning and development of Oceanside II and are concerned that the same problems are inherent in the Purdy's subdivision. Twenty-seven lots in the former and 11 in the latter are too many for the land area involved. The streets are too narrow for safe passage of traffic, including delivery and other commercial vehicles. Also, the driveways of homes bordering Dawson Road open to this street creating congestion and safety issues. For that matter, the entire Dawson Tract has only a single narrow entrance and exit; the infamous "S curve." This is a major safety problem that the City has not addressed.

Finally, I understand that the Purdy's subdivision does not conform to the Dawson Tract Circulation Plan. This is an error that should be corrected.

Thank you for considering my concerns. They are expressed only because we believe that Brookings is a very special place to live and that any growth that takes place should be in keeping with this special community and our outstanding surroundings (quality, not quantity). None of these developers live here, but we do!

Sincerely,

  
Almo J. Cordone

CC: Walter Battaglia, Chair  
North Brookings Community Association



Mr. Al La Com  
96384 Dawson Rd  
Brookings, OR 97415-9716

2-6-02

RECEIVED  
FEB 7 2002

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

Attn: John C. Bischoff  
Planning Director

Subject: Walter Battaglia, Appeal

As a resident of 15 years living at above address, lot 4100, I agree with Mr Battaglia's appeal and the reasoning behind it.

Also with the increased housing in this area we are experiencing a serious increase in auto traffic! When traveling out of the Dawson Tract Area a driver encounters a 'dog-leg' turn at the juncture of Dawson Rd and Holmes Drive. Any object; bush, house or whatever will obscure the drivers vision of any on-coming vehicular traffic.

If the Bardy development is allowed to go forward as presently planned, it will surely cause a visual blockage to any traffic - in bound or outbound. It is a serious accident waiting to happen!

This area is already over built for the only access or egress road into the area.

Be practical, no more building!

A. L. La Com, owner



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

SUBJECT: Subdivision  
FILE NO: SUB-6-01  
HEARING DATE: December 4, 2001

REPORT DATE: November 16, 2001  
ITEM NO: 8.1

---

**GENERAL INFORMATION**

APPLICANT: Douglas Purdy.

REPRESENTATIVE: Lloyd Matlock

REQUEST: A subdivision to divide the subject parcel into 11 lots ranging in size from 7,509 to 7,746 sq. ft. with an average size of 7,592.54 sq. ft.

TOTAL LAND AREA: 2.09 acres.

LOCATION: In the southeast corner of where Dawson Rd. turns from an east/west alignment to a north south alignment.

ASSESSOR'S NUMBER: 40-14-36BB, Tax Lot 5000.

**ZONING / COMPREHENSIVE PLAN INFORMATION**

EXISTING: R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size).

PROPOSED: Same.

SURROUNDING: All R-1-6.

COMP. PLAN: Residential.

**LAND USE INFORMATION**

EXISTING: Vacant.

PROPOSED: Residential lots.

SURROUNDING: Single family homes and vacant lots.

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



## **BACKGROUND INFORMATION**

The subject property is a 2.09-acre parcel of land located in the southeast corner of the intersection of the east/west alignment meets the north/south alignment of Dawson Rd. The property is essentially square except for a 14,540 sq. ft. notch out of the northeast corner. The subject parcel was created by a minor partition in 1996 (File No. M3-10-~~96~~) that broke off the northeast corner, which contains a single-family house. The property has 325.28 feet of frontage on the north/south Dawson Rd., and a southerly boundary of 324.60 feet. From the southeast property corner the easterly boundary extends north 214.84 feet, then turns west for 127.76 feet, then turns north again for 110.40 feet to the east/west Dawson Rd., and then west along Dawson 188.61 feet to the corner. The property is essentially flat with a gentle downward slope toward the southwest and is vacant.

Zoning for the subject property and the surrounding area is R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size), and the area is developed accordingly. East/west Dawson Rd. is a paved travel way within a 45-foot right of way with no other improvements adjacent to the subject property. North/south Dawson Rd. is a paved travel way within a 50-foot wide right of way to a point approximately 190 feet from the corner and then the right of way narrows to 45 feet in width from there south. At the time of the earlier partition, a 5-foot wide additional right of way dedication was received along both frontages of the subject property. A water and sewer main are located in both alignments of Dawson Rd.; however, the city cannot guarantee that sewer service will be available for future construction.

## **PROPOSED**

The applicant is requesting a subdivision to divide the subject property into 11 lots ranging in size from 7,509 to 7,746 sq. ft. with an average lot size of 7,592.54 sq. ft. Two of the proposed lots will front on the east/west Dawson Rd. and two will front on north/south Dawson Rd. One lot will front on both alignments of Dawson Rd. A total of eight lots will front on a proposed private street entering from the north/south alignment of Dawson Rd. The private street will be 24 feet wide and 217.47 feet long, terminating with a hammerhead turnaround for emergency vehicles. Spindrift Ln. is the proposed name of the new private street. Both alignments of Dawson Rd. will be improved with curb gutter and sidewalk, including the smaller parcel that was created in the 1996 partition.

## **ANALYSIS**

The planning commission has the authority to approve, approve with conditions or deny the requested subdivision, based upon the following criteria:

1. Conformance with the comprehensive plan, and applicable development standards of this code, and state and federal laws.
2. Development of any remainder of property under the same ownership, if any, can be accomplished in accordance with this code.
3. Adjoining property under separate ownership can either be developed or be provided access that will allow its development in accordance with this code.



4. Conditions necessary to satisfy the intent of the land development code and comprehensive plan can be satisfied prior to final approval.

5. The proposed street plan affords the most economic, safe, efficient and least environmentally damaging circulation of traffic possible under existing circumstances.

6. 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.

7. 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.

8. 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.

The following is staff's analysis of the proposed project in relation to the criteria listed above. Since the first criterion includes the other 7, it will be considered last.

#### Criterion 2, Remainder Property.

A remainder lot is defined as a lot created by a partition or subdivision that is twice or greater than the size of the minimum lot size allowed by the underlying zone. In this case the minimum lot size is 6,000 sq. ft. and the largest lot proposed is 7,746 sq. ft., therefore there are no remainder lots created in this project. All of the lots are 7,500 sq. ft. or greater in size because of the use of a private street and the fact that improvements on Dawson Rd. will be at the narrower street standard allowed by the Dawson Tract Neighborhood Circulation Plan and cannot accommodate on street parking. The Dawson Tract Neighborhood Circulation Plan requires all lots on the narrower standard to provide for additional on-site parking.

#### Criterion 3, Adjoining Property.

All of the lots surrounding the subject property have frontage on a public street and are either developed or can be accessed for development. The proposed subdivision will not prevent any of the surrounding lots from being accessed for development.

#### Criterion 4, Conditions of Approval.

The conditions proposed for the approval of this subdivision will contain both standard conditions and project specific conditions. All of the conditions applied to the approval of this subdivision will be able to be satisfied prior to the recordation of the final plat map.



#### Criterion 5, Street Plan.

The applicant is proposing to use the private street provision of the Dawson Tract Neighborhood Circulation Plan, which allows a 20-foot wide private street serving up to six lots, however, in this case the applicant is proposing a 24 foot wide street. A condition of approval will require a note to be placed on the final plat map to the effect that Lots 4 and 11 must take access from Dawson Rd. and cannot access from the private street. The conditions of approval will also require a reciprocal maintenance agreement for the private street. Both alignments of Dawson Rd. will be improved with curb, gutter and sidewalk along the frontage of both the subject property and along the frontage of the smaller parcel created in the 1996 partition. Street improvements will be constructed to the standard currently established by earlier construction on both Dawson Rd. alignments.

#### Criterion 6, Subdivision Name.

The applicant is proposing "Spindrift Subdivision" as the name for the proposed subdivision. A check with the Curry County Planning Department has indicated that there are no other subdivisions within the county with the same or similar name.

#### Criterion 7, New Street Name.

The applicant is proposing the name of the new private street as "Spindrift Lane." A check of streets within the 97415 Zip Code area has shown that there are no other streets with the same or similar name.

#### Criterion 8, Private Streets.

A condition of approval will require that the private street is noted as such on the final plat map.

#### Criterion 1, Comprehensive Plan.

The proposed subdivision meets all of the criteria addressed above and is consistent with the provisions of the R-1-6 Zone and with the provisions of the Dawson Tract Neighborhood Circulation Plan. The subdivision is also consistent with the goals and policies of the Comprehensive Plan, particularly Goal 10 Housing, which contains a policy that the city will not place undue restrictions on the development of land within the city and with the general goal of using land efficiently.

### **FINDINGS**

1. The applicant is requesting a subdivision to divide a 2.09 acre parcel of land into 11 lots ranging in size from 7,509 to 7,746 sq. ft. with an average lot size of 7,592.54 sq. ft. and will create a private street.
2. The subject property is zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) and is designated as Residential by the Comprehensive Plan.
3. The proposed subdivision is located within the area of the Dawson Tract Neighborhood Circulation Plan, which allows private streets of 20 feet in width and serve no more than six lots.



4. All of the lots surrounding the subject property have frontage on a public street.
5. Pursuant to the Dawson Tract Neighborhood Circulation Plan all lots fronting on a narrow street with no on-street parking must be at least 7500 sq. ft. in size to accommodate four additional parking spaces.
6. The county planning staff has stated that there are no other subdivisions in the county with the name of, or similar to Spindrift Subdivision.
7. A check of the 97415 Zip Code area has revealed that there are no streets with the name of, or similar name as Spindrift Ln.
8. Dawson Rd. is a paved travel way within a 45-foot wide right of way adjacent to the north boundary of the subject property and a 50-foot right of way adjacent to the northerly 190 feet of the westerly boundary and 45 feet from that point south, with no other improvements.
9. There is a water and sewer main located in both alignments of Dawson Rd., however, the City of Brookings has identified a limited maximum capacity in its wastewater treatment plant. This land use approval does not constitute a representation or commitment that capacity will exist in the wastewater treatment system of the City of Brookings to serve the development proposed. The availability of connection approvals to the wastewater treatment system are on a first come-first serve basis and regulated under the provisions of Ordinance No. 88-0-430.

## CONCLUSIONS

1. All of the lots created by the proposed subdivision are less than twice the size of the minimum lot allowed by the R-1-6 Zone and therefore there are no remainder lots. All of the lots surrounding the subject property have frontage on a public street and are either developed or can be accessed for development. The proposed subdivision will not prevent any of the surrounding lots from being accessed for development.
2. The conditions of approval applied to the approval of this subdivision will include standard conditions and project specific conditions, all of which can be satisfied prior to the recordation of the final plat map.
3. There are no other subdivisions in Curry County with the name of, or similar to, Spindrift Subdivision. There is no street within the 97415 Zip Code area with the name of or similar to Spindrift Lane.
4. The proposed subdivision is consistent with the provisions of the R-1-6 Zone in terms of lot size and design, is consistent with the provisions of the Dawson Tract Neighborhood Circulation Plan, and meets the criteria addressed above. The subdivision is consistent with the goals and policies of the Comprehensive Plan, particularly Goal 10, Housing, which contains a policy that the city will not place undue restrictions on the development of land and with the overall goal of using land within the city efficiently.



## **CONDITIONS OF APPROVAL**

The conditions of approval are attached to and hereby made a part of this report.

## **RECOMMENDATION**

Staff recommends **APPROVAL** of Case File No.SUB-6-01, based on the findings and conclusions stated in the staff report and subject to the conditions of approval listed above.

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

Purdy  
Spindrift Subdivision  
Statement of findings

1.  
There are no remainder lots in this subdivision.
2.  
All adjoining lot around this subdivision has access from Dawson Road or Garvin Court.
3.  
A check with the Curry County Surveyor's office shows that the name Spindrift Subdivision has not been used.
4.  
There is overhead power along the northerly boundary and a power transformer at the southwesterly corner of this proposed subdivision.
5.  
There does exist sewer and water along Dawson Road.
6.  
There is an existing fire hydrant at the corner of Blueberry drive and Dawson road.
7.  
This subdivision will not restrict the adjoining lots of any further development.
8.  
This subdivision conforms to the comprehensive plan.
9.  
A check the Brookings fire department finds that the name Spindrift lane has not been use for a street.



CALIFORNIA EXPERT SOFTWARE

17304 Blueberry Drive ♦ Brookings, OR 97415-9717  
(541) 469-3593 ♦ e-mail: calxsoft@harborside.com

Received at  
Hearing  
12-4-01

City Planning Commission  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

December 4, 2001

RE: "SPINDRIFT" SUBDIVISION OF TAX LOT 5000; CASE # SUB-06-01

To the Planning Commission:

This document adds to and supports my previous letters and arguments in opposition to this subdivision.

Scope of Action

Please note my letter of December 2, 2001 to the Mayor and City Council. Therein, I point out that Goal 10 of the Comprehensive Plan, as cited by the Planning Director, does not require the Planning Commission (hereinafter, "the Commission") to approve the pending application. The Commission may deny, modify or approve the application, depending on how it construes "undue restrictions" and "using land within the city efficiently."

=> *The Commission is not required to approve an application merely because its form is technically correct.*

The Commission has the authority to conduct a thorough examination of the application with respect to the language of Goal 10. The Commission may inquire into what result is envisioned by the applicant, and the community and economic impacts of the proposal. The Commission may determine whether the application promotes beneficial land use according to community standards, and prescribe such interventions (modifications) as required to bring the application into conformity with the standards.

=> *The Commission has considerable discretion in approving land uses, and may require applicants to meet generally accepted community standards and show the economic benefit of the project to the community.*

Community Standards

Most of the adjacent lots are at least .25 acre (10,000 sq ft), and many are .3+ acre (12,000 sq ft or more). With the exception of two recently built homes (tax lots 3002, 3003), all other adjacent homes are single story.

Most Dawson Area residents believe the application should have followed the general design of adjacent parcels; e.g., those along Garvin Ct. This would give the entire area a certain "continuity" of appearance. They also believe the afore-mentioned 2 story buildings should not have been permitted, and are opposed to building any more 2 story houses on small lots. This prohibition should be a condition, if the application is approved.

In its letter of November 25, 2001, HGE Inc suggests that vehicular traffic concerns would be reduced, "if the lots were rotated 90 degrees." Further, "... sight distance will be a concern." This suggests the applicant's design is not optimal; i.e., it could be improved to decrease impacts on the community.

In short, the application does not meet "community standards" as measured by the pattern of existing land use and structures actually built, or as perceived by the great majority of Dawson Area residents.

=> *For this reason, the application should be denied. However, the Commission may offer the applicant the opportunity to modify the application so as to meet community standards (as described).*



## Economic Impact

I found no discussion or analysis of this subject in Mr. Bischoff's report.

The economics of this project has several components: the applicant's budget, the City's budget and effects on Dawson Area residents. Since we have no expert analysis available, the following is merely suggestive.

It is not at all clear to me the applicant will profit from this subdivision. Based on "replacement costs" determined by my insurance company (Farmer's) and advertised real estate prices, I estimate a 1600 sq ft single story structure would cost \$125,000 to build. In addition, land, infra-structure and overhead costs are probably \$35,000 - \$50,000 per unit (for 11 units), bringing the per unit cost to around \$160,000 - \$175,000. Such units would have to sell for well over \$200,000 to realize any profit after sales and other costs.

Meanwhile, we are in the midst of a recession; unemployment is likely to increase for at least the next 6 months. Oregon is one of the States most severely impacted by the current downturn. Despite lowered interest rates, new housing starts have been declining lately. The market for new homes may be depressed in the near future.

Further, I am not aware of any homes built on small lots being for sold for anywhere near \$200,000 in this neighborhood; most are advertised for less than \$150,000. Even some homes in the desirable Harris Beach Estates were recently purchased for under \$250,000.

None of this omens well for the applicant: it may be difficult to sell the newly constructed, small lot properties and even more difficult to turn a profit. This raises questions about the applicant's balance sheet.

On the other hand, the applicant probably could obtain higher margins by selling larger homes on larger lots. Such homes are usually purchased by wealthy or high-income families, who are least likely to be affected by the recession - especially in the current tax climate which favors the wealthy.

*=> The applicant's best interests may be served by withdrawing or deferring this application, and reconfiguring the proposal in recognition of vastly changed economic conditions.*

The City will benefit from taxes and fees collected from future residents, but the exact amount will depend on the eventual land use. Until we know the applicant's ultimate intentions, it is impossible to determine the annual income to be derived from this subdivision.

On the other hand, the City will incur on-going liabilities for maintenance of public safety, utilities, roads and other services. The City may have to capitalize various unforeseen improvements. In addition, the City is at risk for the insolvency of the applicant and the eventual residents; e.g., the City may be liable for the cost of private road or other maintenance costs. The City may also be liable for damages incurred in traffic accidents, or inadequate fire protection, if the subdivision plan turns out to be inadequate or defective.

The City's net cash flow per unit will depend on the number of parcels in the subdivision, its population, assessed values and services required. The City's balance sheet with respect to the subdivision depends on present and future capital costs, as well as developer/resident funding.

*=> The City's income and expenses, and balance sheet, with respect to this subdivision have not been determined. The Commission should require the applicant to submit a detailed plan, and staff should do an economic analysis.*

Dawson Area residents may be impacted in several ways by this project. Property values may increase or decrease, depending on what is built and how it fits into the neighborhood. Taxes and fees may increase or decrease, again depending on various demographic and depreciation factors. No analysis or projection is currently available.

*=> Since economic analysis has not been done, (at least) the application should be deferred until economic impacts can be determined. The applicant may be required to pay all or part of the cost of such analysis.*



## Construction & Maintenance

There are many primary and secondary effects of the intensive construction taking place in this neighborhood. One of the most commonly observed effects is the heavy traffic along Dawson Rd, which increases the possibility of accidents. In addition, there will be a permanent increase in traffic due to increased population.

Dawson Road may need to be improved in various ways, and may require maintenance on a shorter schedule than previously estimated. Emergency vehicle access to the area may need to be re-evaluated. All of that may impose further on-going expenses and capital costs on the City and Dawson Area homeowners. These needs and costs cannot be evaluated until a specific community plan is recognized; i.e., a plan showing how many houses, people, cars, etc are expected in the neighborhood.

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Construction of so many new houses may change runoff patterns, and increase the need for runoff drainage. In addition, increased auto traffic may introduce enough pollutants into the ground to require treatment of runoff water. There is a remote possibility of environmental damage to nearby beaches and wildlife, especially birds. (California quail and wild turkey are known in this area.)

I and other residents have observed that construction crews are burning construction waste and burying the ashes, rather than hauling it away. I have no idea whether burning was done under permit, or whether some of the burned materials leave toxic wastes. I don't know whether the construction sites have been tested for toxic wastes.

I am not a geologist, but I think our area is underlain by sand and rock of volcanic origin. This should make the soil acidic and mineral rich, thus susceptible to leaching by runoff water. A geologist's report is needed to determine what, if anything, needs to be done about our special, coastal conditions.

Construction projects are plagued by the law of unexpected consequences. The same applies to computer software (my area of expertise), for which reason a common practice is "take one step at a time."

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## Other Impacts

It is not clear whether sufficient water is available for all the new residents. One Holmes Drive resident is already concerned about frequently lowered water pressure. Is the present pipeline and pumping facility really adequate to supply the increased population? This question cannot be answered without knowing the likely demographics of the changed neighborhood, and likely water use patterns. The applicant and staff provided no analysis.

It is not clear whether power and telephone services will be degraded by the increased population. Telephone service and Internet access, particularly, is at risk, since VERIZON has not upgraded the cables and nodes servicing this area. (The service is already running at the slowest rate consistent with operation of my software.) I would be severely impacted if Internet access becomes worse than it is, as almost my entire income depends on everyday reliable access to the Internet.

I believe several other people in this neighborhood are similarly situated. We've had to install expensive Un-interruptable Power Supplies (UPS) to overcome the power glitches that threaten our computer systems.



### Other Impacts (con't)

In processing subdivision applications, the Planning Director and Commission have ignored enhancements to the neighborhood. I am not aware of any "common area" or park land allocation; the neighborhood is entirely dependent on larger lot sizes for its open spaces. There are no easements on waterfront land, through which all residents can walk to the beach. There is no access path to Harris Beach State Park (HBSP). As matters stand, most residents have to DRIVE to HBSP to enjoy the beach *legally*, thus unnecessarily increasing traffic and gasoline use. To the extent that amenities exist in the Dawson Area, they are provided by the residents. Large lot sizes are all the more important, because they are the local substitute for public space.

The new, higher density housing tracts cover a sufficient area to undermine the "character" of the neighborhood. The new tracts could "unbalance" the neighborhood, changing property values and social interactions significantly, permanently and unpredictably. (I note that social change is not a linear process, because stable patterns are connected by chaotic transitions. A 5-10% change in a key factor can lead to a 100% change of social organization.)

Human beings are creatures of habit; as such, they are exquisitely sensitive to changes that would upset their lives. Many residents take walks through the neighborhood regularly, weather permitting. This is a healthy practice, and promotes neighborhood socialization. It is also an opportunity to see what's happening. The new subdivisions have greatly increased discontent due to development during the last few months: an instance of the law of unintended consequences and a signal that the neighborhood is changing too much.

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### Due Process

Dawson Area residents have not had full access to the planning process. The planning process is sorely lacking in outreach, and plainly discriminates against non-developers.

The present subdivision application was apparently filed in June, 2001. No one was informed of the application, except the applicant's tenant (verbally, by the applicant). The Planning Director subsequently worked with the applicant to clear up problems with the application, and solicited opinions from various experts concerning the proposal. All of that was done at taxpayer (public) expense.

Dawson Area residents (the immediately affected public) only became aware of the subdivision application when the Notice of Public Hearing was mailed in mid-November. I believe there was no public participation in the application process prior to that notice. The notice was mailed to a very restricted list of property owners: those within 250 ft of the subject property. Most Dawson Area residents did not receive a notice. Renters were not notified, no matter how they might be affected. Some people on the Planning Director's mailing list told me they received no notice (lost in mail?).

Similar flaccid efforts were made on all recent subdivision applications. For example, I never received a notice about tax lots 3002 & 3003, despite being well within 250 ft of that property. For most of us, notice was served when the bulldozers arrived. This very restrictive notification policy amounts to denial of due process, because public participation is either difficult, discouraged or deemed not timely.

The application process is discriminatory because it provides assistance to developers at taxpayers' expense, while keeping everyone else uninformed and uninvolved as long and as much as possible. Mr. Bischoff told me the City is fearful of lawsuits. I assume he meant fear of lawsuits by developers, which would motivate an attitude of servicing developers, while ignoring or shutting out the public.

*=> Unfortunately, this attitude amounts to a policy of denial of due process, which opens the City and developers to class-action lawsuits seeking damages resulting from all applications processed that way.*



### Due Process (con't)

The Planning Commission is a public agency with the authority and, I think, the duty to set matters right. The planning process needs to be "opened up." The staff must be even-handed in dealing with developers and the public. The public needs to be notified at the start of a planning process, not months later when the matter is a 'done deal.' The Commission needs to expand and intensify outreach programs, and include all of the concerned public in the entire process.

The Commission needs to change its attitude toward tenants. Those who rent to live somewhere are, after all, people. Property owners have important rights and interests, but so does everyone else. This is America.

Above all, the Planning Commission and staff must recognize they serve the people, not special interests.

*=> The public, especially those affected by a process, has the right to be involved every step of the way. The Commission must reform the planning process, by making policies that insure it operates as an impartial public agency*

### Summary

The staff report is inadequate and incomplete, because it does not address many important land use issues. We do not know the likely economic, construction, maintenance and other impacts of this project. We do not know the combined effects of all current projects, because the impacts were not identified and not analyzed.

We do not know what community standards, if any, apply, since the Planning Director steadfastly avoids this matter altogether. But, it is impossible to make a rational decision on efficient land use without reference to an external standard. In plain English, 'efficiently' is an adverb (qualifier), not a noun; so it cannot be the standard.

The staff has not placed "undue restrictions" on applicants, by avoiding restrictions. "Undue," however, is another qualifier requiring judgement. "Undue restrictions" are not the same as "no restrictions."

The staff recommendation has a very limited value; it just means the application is technically in order. The staff report does not show how or why the application should be approved under the language of Goal 10 of the Comprehensive Plan. At best, the staff avoided "undue restrictions", but demurred from any involvement in "... using land ... efficiently."

I ask the Commission to exercise its oversight authority, and require the staff to submit a complete report; i.e., a report which evaluates all aspects of "... using land within the city efficiently." In the process, the Commission should encourage the applicant to modify the proposed subdivision in the light of the many factors I discussed.

Failing that, the Commission should deny the application simply because there is insufficient documentation to support approval and because the application was processed under a defective procedure.

Yours truly,

  
Walter L. Battaglia  
Consultant

cc:



Received at  
Hearing  
12-04-01

CALIFORNIA EXPERT SOFTWARE

17304 Blueberry Drive ♦ Brookings, OR 97415-9717  
(541) 469-3593 ♦ e-mail: calxsoft@harborside.com

City Planning Commission  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

December 4, 2001

RE: "SPINDRIFT" SUBDIVISION OF TAX LOT 5000; CASE # SUB-06-01

To the Planning Commission:

This document adds to and supports my previous letters and arguments in opposition to this subdivision.

**Scope of Action**

Please note my letter of December 2, 2001 to the Mayor and City Council. Therein, I point out that Goal 10 of the Comprehensive Plan, as cited by the Planning Director, does not require the Planning Commission (hereinafter, "the Commission") to approve the pending application. The Commission may deny, modify or approve the application, depending on how it construes "undue restrictions" and "using land within the city efficiently."

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*=> Unfortunately, this attitude amounts to a policy of denial of due process, which opens the City and developers to class-action lawsuits seeking damages resulting from all applications processed that way.*



### Due Process (con't)

The Planning Commission is a public agency with the authority and, I think, the duty to set matters right. The planning process needs to be "opened up." The staff must be even-handed in dealing with developers and the public. The public needs to be notified at the start of a planning process, not months later when the matter is a 'done deal.' The Commission needs to expand and intensify outreach programs, and include all of the concerned public in the entire process.

The Commission needs to change its attitude toward tenants. Those who rent to live somewhere are, after all, people. Property owners have important rights and interests, but so does everyone else. This is America.

Above all, the Planning Commission and staff must recognize they serve the people, not special interests.

*=> The public, especially those affected by a process, has the right to be involved every step of the way. The Commission must reform the planning process, by making policies that insure it operates as an impartial public agency*

### Summary

The staff report is inadequate and incomplete, because it does not address many important land use issues. We do not know the likely economic, construction, maintenance and other impacts of this project. We do not know the combined effects of all current projects, because the impacts were not identified and not analyzed.

We do not know what community standards, if any, apply, since the Planning Director steadfastly avoids this matter altogether. But, it is impossible to make a rational decision on efficient land use without reference to an external standard. In plain English, 'efficiently' is an adverb (qualifier), not a noun; so it cannot be the standard.

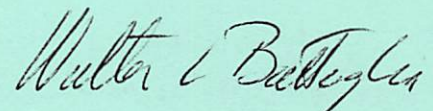
The staff has not placed "undue restrictions" on applicants, by avoiding restrictions. "Undue," however, is another qualifier requiring judgement. "Undue restrictions" are not the same as "no restrictions."

The staff recommendation has a very limited value; it just means the application is technically in order. The staff report does not show how or why the application should be approved under the language of Goal 10 of the Comprehensive Plan. At best, the staff avoided "undue restrictions", but demurred from any involvement in "... using land ... efficiently."

I ask the Commission to exercise its oversight authority, and require the staff to submit a complete report; i.e., a report which evaluates all aspects of "... using land within the city efficiently." In the process, the Commission should encourage the applicant to modify the proposed subdivision in the light of the many factors I discussed.

Failing that, the Commission should deny the application simply because there is insufficient documentation to support approval and because the application was processed under a defective procedure.

Yours truly,



Walter L. Battaglia  
Consultant

cc:



Mr. Bischoff feels only a few people have come forward in the past to oppose comment on various subdivision and development proposals. His impression of neighborhood concerns is quite different from what I've learned on my walks through the neighborhood. I have the feeling that many people are furious (or at least displeased) about the subdivisions being developed, for many different reasons. Further, I have the distinct impression that most people would have accepted development at a lower density, even if they didn't wholly approve it. Most people in this neighborhood feel the area housing should be mostly 1 story, single family homes on larger lots (e.g., 12,000 sq ft). 2 story and large houses should be on sufficiently large lots to "absorb" the structural mass.

Received  
at  
Hearings  
12-4-01

What almost everyone has in common is the desire to live in a semi-rural place, with lots of open space. A large fraction of current residents emigrated upon retirement from dense urban areas in California, particularly the Bay Area and Sacramento. Most paid a premium price to buy into this area exactly because it was not a dense, urban tract. Thus, building tract homes here offends those who worked a lifetime and paid dearly to realize their dream.

Working families enjoy this neighborhood, too. Most of the neighborhood children know each other. The children can go about the neighborhood freely and safely, a simple pleasure almost forgotten in dense, urban areas. Parents don't have to worry as much about the crazy things that happen elsewhere.

So, contrary to Mr. Bischoff's impression, the rapid development of subdivisions has alarmed people. There is a deep desire for a more controlled pace, and great concern for an overall community "architecture" that suits the commonly held image and desired lifestyle.

### What Now?

I plan to continue circulating the petition opposed subdivision of Tax Lot 5000. I plan to oppose that subdivision at the Planning Commission's meeting 7 PM, TUESDAY, DEC 4, 2001.

Based on my conversation with Mr. Bischoff, it appears we need to be organized as a Neighborhood Association to resolve any of the many complaints I've heard in my rounds. I propose we do that. I would like to know whether you will attend meetings and support such an organization.

Further, it appears we need to take the steps of requesting the City Council to reconsider ZONING and impose a BUILDING MORATORIUM, just to get the City's attention. Unfortunately, there seems no middle ground. So, I would like to know where you stand on taking those steps.

I think it might be helpful to have a neighborhood meeting in the near future to discuss all of this, if a suitable location (large room) can be found. Do you think such a meeting would be useful?

I will appreciate hearing your ideas.

Sincerely yours,

*Walter L. Battaglia*

Walter L. Battaglia  
Consultant

cc: Mr. Battaglia:  
We agree with your views on development and control over same in our neighborhood.  
Unfortunately due to my present health I myself, cannot attend many of your planned meetings.  
I do lend all my support, if only moral, to any effort to control the further growth in the Rawson Tract area.

*W. L. Battaglia*



Received at  
hearing 12-4-01

TO: Brookings Planning Commission  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

PETITION AGAINST SUBDIVISION OF TAX LOT 5000

We, the undersigned, are opposed to the proposed subdivision of the property described as Assessor's Map 40-14-36 BB, Tax Lot 5000, File # SUB-6-01. This application will be heard by the Brookings Planning Commission on December 4, 2001.

We request and urge the Brookings Planning Commission to deny the application. We believe the Brookings Planning Commission should require the applicant to consult with all neighborhood residents before any other application is made concerning this property.

DATE

NAME

ADDRESS

12-1-01 A.L. LACOM 96384 DAWSON RD  
BROOKINGS, OR 97415

(print)

(print)

Lloyd E Franck

96384 Dawson Rd

Lloyd E Franck

Brookings OR 97415

(print)

(print)

(print)

(print)

Circulated by:

(print)

A.L. LACOM

12-1-01

A.L. LACOM




Received at  
Hearing 12-4-01

TO: Brookings Planning Commission  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

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<u>DATE</u>	<u>NAME</u>	<u>ADDRESS</u>
12-4-01	MICHAEL J. FRAUS	17332 Blueberry Dr
(print)		
(print)		
(print)		
(print)		
(print)		

Circulated by: Walter L Battaglia 17309 Blueberry Dr  
(print) WALTER L BATTAGLIA Brookings OR 97415




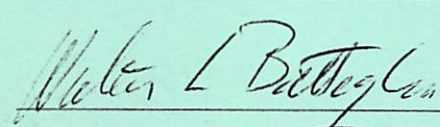
Received at hearing  
12-4-01

TO: Brookings Planning Commission  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

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<u>DATE</u>	<u>NAME</u>	<u>ADDRESS</u>
12-1-01		96543 Shorewood Terrace
(print)	ROBIN A. SIMPSON	BROOKINGS, OR. 97415
(print)		
(print)		
(print)		
(print)		
(print)		
Circulated by:		17304 Blueberry Dr
(print)	WALTER L. BATTAGLIA	Brookings OR 97415



Received at hearing  
12-4-01

TO: Brookings Planning Commission  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

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DATE

NAME

ADDRESS

12/01/01	Juliette L. Attebery	17290 Garvin Ct. Brookings OR 97415
(print)	Juliette L. Attebery	17290 Garvin Ct. Brookings OR 97415
12/01/01	Bob E Attebery	17290 Garvin Brookings
(print)	BOB E ATTEBERY	17290 GARVIN CT. BROOKINGS

(print)

(print)

(print)

(print)

Circulated by:

(print)

Walter L Battaglia	17304 Blueberry Dr
WALTER L BATTAGLIA	Brookings OR 97415



7304 Blueberry dr

Received at hearing  
12-4-01

TO: Brookings Planning Commission  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

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<u>DATE</u>	<u>NAME</u>	<u>ADDRESS</u>
12-1-01	<u>Gerald Cleland</u>	<u>17270 GARVIN CT</u>
(print)	<u>GERALD L CLELAND</u>	<u>BROOKINGS, OR. 97415</u>
12-1-01	<u>Barbara J Cleland</u>	<u>17270 Garvin Ct.</u>
(print)	<u>Barbara Cleland</u>	<u>Brookings, OR. 97415</u>
(print)		
(print)		
(print)		
(print)		
Circulated by:	<u>Walter L Battaglia</u>	<u>17304 Blueberry Dr</u>
(print)	<u>WALTER L BATTAGLIA</u>	<u>Brookings OR 97415</u>



TO: Brookings Planning Commission  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

RECEIVED  
DEC 4 2001

PETITION AGAINST SUBDIVISION OF TAX LOT 5000  
CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

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<u>DATE</u>	<u>NAME</u>	<u>ADDRESS</u>
12/11-01	Martin Loza	17245 Garvin Court
(print)	Martin Loza	Brookings Oregon 97415
12-01-01	Charlene M. Loza	17 245 Garvin Court
(print)	Charlene M. Loza	Brookings Oregon 97415
(print)		
(print)		
(print)		
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Circulated by:		
(print)		



TO: Brookings Planning Commission  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

RECEIVED

NOV 29 2001

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

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<u>DATE</u>	<u>NAME</u>	<u>ADDRESS</u>
11-19	William G. Robertson	96366 DAWSON
(print)	William G. Robertson	
11-19	Robert T. White	96360 DAWSON RD.
(print)	ROBERT T. WHITE.	
11-19-01	Wendy White	
(print)	Wendy White	" "
11-19-01	Andrew Drago	96344 DAWSON Rd
(print)	ANDREW DRAGO	
11-19-01	Michael Tidwell	96382 Dawson Rd
(print)	Michael Tidwell	" "
11-19-01	Lou W. Tidwell	" "
(print)	Lou W. Tidwell	" "
Circulated by:	Walter L. Battaglia	17304 Blueberry Dr
(print)	WALTER L. BATTAGLIA	Brookings, OR



TO: Brookings Planning Commission  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

RECEIVED



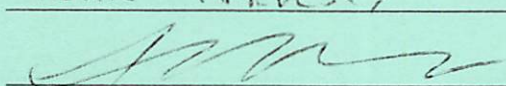
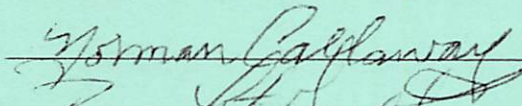
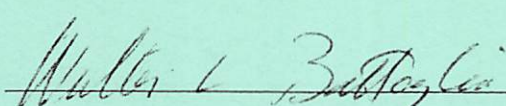
NOV 29 2001

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

PETITION AGAINST SUBDIVISION OF TAX LOT 5000

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<u>DATE</u>	<u>NAME</u>	<u>ADDRESS</u>
11/18/01		17250 Garvin Ct.
(print)	Carlo Ferrando	Brookings OR 97415
11/18/01	Joyce Ann Ferrando	17250 GARVIN CT
(print)	JOYCE FERRANDO	BROOKINGS OR 97415
11/18/01		17260 GARVIN CT
(print)	KEVIN HARDESTY	
11-18-01		17280 GARVIN CT. 97415
(print)	STAN HOBBS	
11/18	NORM CALLAWAY	96385 DAWSON RD. 97415
(print)	Norman Callaway	
11/18/2001		96432 DAWSON RD. 97415
(print)	BEN FITZGERALD	
Circulated by:		17304 Blueberry Dr
(print)	WALTER L BATTAGLIA	Brookings OR 97415



TO: Brookings Planning Commission  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

RECEIVED  
NOV 29 2001

CITY OF BROOKINGS  
PETITION AGAINST SUBDIVISION OF TAX LOT 5000 DEVELOPMENT

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<u>DATE</u>	<u>NAME</u>	<u>ADDRESS</u>
11-26-01	Charles W Stanton	17315 Holmes Dr
(print)	CHARLES W STANTON	
11-26-01	Ronald Sloniker	17265 GARVIN CT.
(print)	RONALD SLONIKER	
11-26-01	Joyce Lavelle Sloniker	17265 GARVIN CT.
(print)	JOYCE LAVELLE SLONIKER	
(print)		
(print)		
(print)		
Circulated by:	Walter L Battaglin	17304 Blueberry Dr
(print)	WALTER L BATTAGLIN	Brookings OR 97415



TO: Brookings Planning Commission  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

RECEIVED  
NOV 29 2001

CITY OF BROOKINGS  
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We request and urge the Brookings Planning Commission to deny the application. We believe the Brookings Planning Commission should require the applicant to consult with all neighborhood residents before any other application is made concerning this property.

DATE	NAME	ADDRESS
11/19/01	CAROLYN DOUGLASS	96392 LAWSON RD.
(print)	Carolyn K. Douglass	BROOKINGS, OR 97415 1-541-412-9410
11-26-01	Virginia L. Eglested	17310 BLUEBERRY BROOKINGS OR 97415
(print)	VIRGINIA L. EGGLESTED	
11-26-01	Harry J. Humphrey	
(print)	HARRY J. HUMPHREY	17324 Blueberry Dr Brookings
11-26-01	Nada J. Humphrey	
(print)	NADA J. HUMPHREY	17324 Blueberry Dr Brookings
11-26-01	Robert Konn	
(print)	ROBERT KONN	17343 BLUEBERRY RD BROOKINGS
11-26-01	Kip Freels	
(print)	Kip Freels	17332 Blueberry Dr. Brookings
Circulated by:	Walter L. Battaccia	17340 Blueberry Dr
(print)	WALTER L. BATTACCIA	Brookings OR 97415



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17304 Blueberry Drive ♦ Brookings, OR 97415-9717  
(541) 469-3593 ♦ e-mail: calxsoft@harborside.com

RECEIVED

DEC 3 2001

CITY OF BROOKINGS  
December 2, 2001  
COMMUNITY DEVELOPMENT

Mayor Bob Hagbom  
Brookings City Council  
898 Elk Drive  
Brookings, OR 97415

RE: DAWSON AREA DEVELOPMENT; BUILDING MORATORIUM

To the Mayor & City Council:

I am writing to notify you of recent activities in the Dawson Area, and request a "Building Moratorium."

"Dawson Area" means the land and people accessed and serviced by Dawson Rd, including Harris Beach Estates.

The Brookings Planning Commission has recently approved several new subdivisions in the Dawson Area, and is scheduled to hear another subdivision application on Dec 4, 2001. The Planning Commission has also approved applications to increase the number of lots and/or density of subdivisions previously allowed.

Dawson Area residents have appeared individually at Planning Commission hearings to protest and oppose all of the foregoing subdivision applications. The Planning Commission has not responded to the opposition and concerns of residents, instead, it has "rubber stamped" just about every request the developers (applicants) have made.

I believe the Planning Commission assumes opponents of Dawson Area development are few and far between; if so, that is mistaken. Based on my conversations with residents since last spring, there is, and has been, widespread criticism and opposition to the subdivision developments now underway. Those who testified before the Planning Committee in fact well represented the consensus views of Dawson Area residents.

Again, an overwhelming majority of Dawson Area residents are opposed to the development now taking place. They are also concerned about several other issues besides community planning, such as street layout and access, traffic & emergency services, construction practices, water pressure, digital communications lines, etc.

Because City agencies have been unresponsive to Dawson Area residents, I and other residents are forming a Community Association (tentatively, the "North Brookings Community Association"). The purpose of this Association is to deal with the City directly and effectively, and to obtain more favorable settlements of our concerns.

Our most immediate concern is the application to subdivide Tax Lot 5000, to be heard by the Planning Commission Dec 4, 2001. We think this application should be denied. If not denied, any decision on that application should be postponed until Dawson Area residents can negotiate modifications of the application.

Based on what Planning Director John Bischoff told me, I understand the City Council can impose a "Building Moratorium" in our area. Unfortunately, it appears a "Building Moratorium" is a prerequisite to addressing any of the residents' concerns. Thus, I request a moratorium on all construction in the Dawson Area, except emergency repairs and maintenance, be enacted to allow time for the Community Association to organize and enter detailed negotiations with the City and developers. The purpose of such negotiations is to formulate an agreed plan of community development, a plan which would alleviate the concerns of, and impact on, the residents.

Possible results of such negotiations may be changes of zoning or building codes in the Dawson Area which would reduce housing density on as-yet undeveloped lots. Recently approved subdivisions are being built at nearly double the density of most existing Dawson Area housing. This is unacceptable to Dawson Area residents, who feel a return to older practices is necessary to preserve the community's appearance and property values. Unless a Building Moratorium is imposed IMMEDIATELY, we are faced with unrecoverable financial and emotional losses.



I believe a Building Moratorium is justified because the Planning Commission has not fully considered recent subdivision applications (for example, Oceanside II and S. Passley extension). In the first place, the Planning Commission has minimized or ignored Dawson Area residents' opposition to, and concerns about, the subdivisions. The Planning Commission has been advised repeatedly by the Planning Director that subdivision applications were in order according to the Director's criteria, and that the Commission had 'no choice' but to approve them. The Planning Commission has not exercised any judgement or discretion in reviewing and approving these applications.

In my opinion, the Planning Director and the Planning Commission have misconstrued Goal 10 of the Comprehensive Plan, which Mr. Bischoff quotes as saying "... the city will not place undue restrictions on the development of land and with the overall goal of using land within the city efficiently." The phrase "undue restrictions" is not at all the same as "no restrictions," but the Planning Director and Planning Commission are routinely approving applications with few, if any, restrictions. Clearly, the Planning Commission has the authority to judge what is "undue" under Goal 10, but lately has abdicated that responsibility.

The Planning Commission has also misinterpreted 'using land within the city efficiently.' According to WEBSTER'S NEW WORLD DICTIONARY (1976), the adverb "efficiently" is derived from the adjective "efficient", meaning:

"1. Directly producing an effect or result; causative; effective [the *efficient* cause]

2. Producing a desired effect, product, etc. with a minimum of effort, expense, or waste; working well"

On the plain meaning of the language, the word "efficiently" in Goal 10 is either redundant (an emphasis) or leaves to discretion what is the 'desired effect' or what 'works well.' Reading the phrase "using land within the city efficiently", using Webster's first definition, simply says that land use produces some effect, or that land use is the effect. No specific instructions as to *what* is the effect are given on this reading. It would be the same, if the phrase were just 'using the land within the city;' tacking on "efficiently" either adds nothing or confusion to the phrase.

The second meaning of "efficiently" does not clarify *what* works well. The definition explicitly avoids defining goals; the result is whatever is "desired." "Efficiently" is a qualifier, not a goal. Even as a qualifier, Webster's provides several criteria for evaluating "efficiently" - 'effort,' 'expense,' 'waste' - not a single standard. Just in case we can't make sense of 'desired effect' etc., Webster's has an even more general alternative, "working well."

The Planning Commission clearly has discretion in construing Goal 10, as cited by Mr. Bischoff, because nothing specifies what should be the goal or result, of their considerations. The Planning Commission is free to determine what 'works well' according to the circumstances of the matter at hand. Contrary to Mr. Bischoff's views, it is not required to approve land uses or building permits merely because they meet certain technical regulations.

I note that in Mr. Bischoff's report on the subdivision of Tax Lot 5000, and in his representations to the Planning Commission on previous matters (e.g., Oceanside II, S. Passley), there is no analysis of what constitutes "minimum" effort, expense or waste. There is no statement of what is the "desired result" of the proposed development. Such statements specify or clarify the land use plan, but, so far, Mr. Bischoff has neglected exploring these issues.

I prefer to think the Planning Commission has neglected its oversight responsibility, or failed to exercise discretion when discretion was warranted. Otherwise, I would have to suspect the Planning Commission of having hidden agendas or secret goals, or possibly some undisclosed, deeper conflict of interest.

The Planning Commission has not required or considered any evaluation of the economic impact - the 'expense' - of these subdivisions. No one knows whether the taxes and fees accruing from these developments will be enough to meet the additional expenses they create, now or in the future. It is unknown whether secondary effects of these developments - e.g., traffic, water & sewer use - will create or increase community maintenance efforts. It is not at all clear what constitutes "waste" in land use. After all, the entire population of Brookings could be housed in just 10 25-story high-rise structures, covering 20 acres, if all of us were willing to live in 1000 sq ft townhouses. In principle, the entire population of Brookings could be accommodated on Tax Lot 5000, if we were willing to live within just 1 sq yd per person.



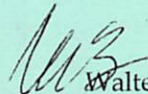
If, as I maintain, the Planning Commission has not fully considered recent subdivision applications in the Dawson Area, then its approval of those applications was made in error and without due process. At the very least, there is cause to reconsider recent actions and to determine what relief from errors, omissions and defects in the application process may be required.


The developers are racing to build as many houses as possible as soon as possible. They are commonly observed to be working day and night, every day. If development is not promptly suspended, the Dawson Area community will be confronted with a *fait accompli*. In that case, our only recourse would be lengthy and costly procedures in the Courts to correct a defective planning process, and to seek recovery from the City and developers for reduced property values, attorney's fees, Court costs and other damages.

I ask the City Council to impose a Dawson Area Building Moratorium as a first step in alleviating the foregoing problems. This should be done with a view to coming to an agreeable settlement among the residents, developers and other interests. This is only fair to the residents, who, so far, have not been included in the process.

I appreciate your attention to this matter,

Yours truly,

  
Walter L. Battaglia  
Consultant

 cc: Planning Commission



CALIFORNIA EXPERT SOFTWARE

17304 Blueberry Drive ♦ Brookings, OR 97415-9717  
(541) 469-3593 ♦ e-mail: calxsoft@harborside.com

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

RECEIVED November 28, 2001  
NOV 29 2001

RE: TAX LOT 5000, "Spindrift Subdivision"

Dear Mr. Bischoff,

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

I am writing to acknowledge our informal discussion November 27, 2001 about the above-proposed subdivision.

I have reviewed your report to the Planning Commission and supporting documents. While your report deals with this matter in a straight-forward manner, I cannot agree with your conclusion in recommending approval of the application. I understand your reasoning and arguments for your conclusion; nonetheless, I think your method does not lead to a desirable result for the neighborhood and, ultimately, for the City.

I believe the Planning Commission must consider more than minimal technical criteria in approving development plans. There are larger considerations, such as the total cost to the public, various impacts on the local area, etc. For example, it is not documented in your report what eventual costs may accrue to the City's general taxpayers, and what taxes or fees the likely future residents may pay to cover those costs. You have not documented such considerations, because the developer has not disclosed exactly what is the proposed outcome. This lack of disclosure undermines any conclusion about the application.

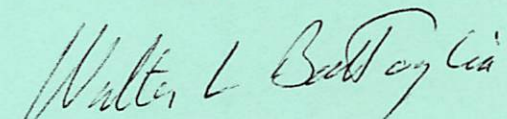
Even granting the owner may develop the property within lawful limits, the owner is still further limited by damages inherent in, and resulting from, such development. I and other property owners adjacent to the subdivision may suffer loss of property value, which I believe we are entitled to recover from the developer/owner. Again, the owner has a right to seek gain on his investment, but not by picking my pocket. The relief sought, on this argument, is the Planning Commission's explicit recognition that there may be additional, currently undocumented, liabilities resulting from this subdivision, depending on the eventual use of the property.

In short, I disagree with your conclusion because I disagree with your method. This and other neighborhoods may suffer the 'death of a thousand cuts.' I plan to speak in more detail at the Commission meeting next Tuesday, and hope sufficient time will be allotted for full debate and colloquies.

I appreciate your description of the legal processes surrounding these matters. I think it most unfortunate when people must take extreme, and possibly costly and divisive, measures, to make any change in their circumstances. While I think zoning changes and a building moratorium are appropriate, I have not discussed those matters with my neighbors. I enclose a letter I am sending to neighborhood residents, asking what further steps to take.

I do appreciate your advice and assistance in this matter,

Yours truly,

  
Walter L. Battaglia  
Consultant

cc:



CALIFORNIA EXPERT SOFTWARE

17304 Blueberry Drive ♦ Brookings, OR 97415-9717  
(541) 469-3593 ♦ e-mail: calxsoft@harborside.com

Editor, The Pilot  
P.O. BOX 700  
Brookings, OR 97415

November 28, 2001

RE: Letter to the Editor

RECEIVED  
NOV 29 2001

TOO MUCH DEVELOPMENT CITY OF BROOKINGS

COMMUNITY DEVELOPMENT

The Planning Commission decides on another Dawson Rd subdivision, TUESDAY, DEC 4, 2001. The developer wants to make 11 lots out of 2 acres.

I OPPOSE this subdivision. I am circulating a petition against it, which many residents signed. I ask the Dawson area community to show their further opposition by appearing at the Commission hearing.

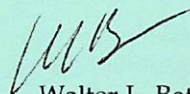
The Commission recently approved more lots in Oceanside II and near S. Passley. The Commission seems unable to refuse anything developers want, however contrived, regardless of any ill effects on the neighborhood. The result is helter-skelter ticky-tacky, which most residents feel is a blight.

Planning Director John Bischoff made it clear to me the Commission refuses to regulate neighborhood development, so long as minimum standards are met. But, the Commission has often not enforced minimal standards - curbs, sidewalks, etc - until some unspecified date. Thus, the minimum (or less) becomes the maximum.

The Planning Commission should not abdicate its responsibility to regulate development. The Commission's priority should be real community improvement, not developer welfare.

What I and others in the Dawson area want is reasonable development, a plan that enhances the neighborhood. I believe our desire also represents the best interests of the City.

Yours truly,



Walter L. Battaglia  
Consultant

cc:



CALIFORNIA EXPERT SOFTWARE

17304 Blueberry Drive ♦ Brookings, OR 97415-9717  
(541) 469-3593 ♦ e-mail: calxsoft@harborside.com

TO: DAWSON AREA RESIDENTS

RE: COMMUNITY PLANNING; SUBDIVISIONS, ZONING, ETC

November 28, 2001  
**RECEIVED**  
NOV 29 2001

Dear Neighbors,

I am writing about the on-going land subdivisions and building in our area.

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

Many of you know I have been circulating a petition opposing the recently proposed subdivision of Tax Lot 5000 (at the corner of Dawson & Holmes). If you wish to sign the petition, but have not done so, please call me.

Today, I reviewed the staff report and met informally with John Bischoff, Planning Director, about this matter. Mr. Bischoff recommends approval of the subdivision application because, in his opinion, it meets the minimum requirements of the law. Mr. Bischoff apparently believes the Planning Commission has no leeway whatsoever in approving these applications, if they meet zoning specifications. Further, Mr. Bischoff believes the Planning Commission has no authority to regulate the structures built on subdivisions, except for reasons of public safety.

The fact that almost every current resident of our area opposes the way development is proceeding is immaterial, according to Mr. Bischoff, because the zoning ordinance governs land use in our area. That zoning ordinance was the result of negotiations with the 75 or so property owners of 10-15 years ago, which brought about annexation of this area to the City of Brookings. Thus, we are regulated by the letter of the law, and spirits of the past.

**Mr. Bischoff made it quite clear that nothing can be done unless the zoning is changed. Zoning is regulated by the City Council, which, in turn, won't change anything unless community residents request it. That sort of request is most effective when made by a Neighborhood Association.**

*Therefore, we need to form a neighborhood association. I propose the "North Brookings Community Association" (NBCA) until a better name is found. I need to know whether you support this step. If so, we need to schedule an organizing meeting in the very near future.*

Mr. Bischoff pointed out that the City government must act in a fair and uniform manner, as prescribed by our Constitution and laws. On his view, it is both fair and uniform to allow any and all development, or to impose a BUILDING MORATORIUM - allowing no building or subdividing at all. He believes Oregon law makes it neither fair nor uniform to regulate lot sizes or structures according to a more detailed master plan. A building moratorium would stop any further development. It might stop issuance of new building permits, but would not change any permits and subdivisions already granted.

I pointed out to Mr. Bischoff that scarcely anyone here was totally against development, although he seemed to think that was the case for many people here. **He was quite insistent that nothing could be done to modify current development plans; either everything would proceed or nothing at all.**

This leaves us in a very difficult position. Unless the zoning is changed, everything being proposed could be approved. Short of a building moratorium, nothing could be done about Oceanside II and the S. Passley extension; even a building moratorium may not limit those projects. As it stands, we have no leverage on these issues.

*Therefore, reluctantly, I am forced to propose the City Council conduct hearings on ZONING, with a view to changing it. Further, I propose the City Council and Planning Commission declare a BUILDING MORATORIUM in the entire area serviced by Dawson Rd. This moratorium would continue until an acceptable community plan is agreed. These proposals would have to be endorsed and submitted by the NBCA (Neighborhood Association) to be effective.*



Mr. Bischoff feels only a few people have come forward in the past to oppose or comment on various subdivision and development proposals. His impression of neighborhood concerns is quite different from what I've learned on my walks through the neighborhood. I have the feeling that many people are furious (or at least displeased) about the subdivisions being developed, for many different reasons. Further, I have the distinct impression that most people would have accepted development at a lower density, even if they didn't wholly approve it. Most people in this neighborhood feel the area housing should be mostly 1 story, single family homes on larger lots (e.g., 12,000 sq ft). 2 story and large houses should be on sufficiently large lots to "absorb" the structural mass.

What almost everyone has in common is the desire to live in a semi-rural place, with lots of open space. A large fraction of current residents emigrated upon retirement from dense urban areas in California, particularly the Bay Area and Sacramento. Most paid a premium price to buy into this area exactly because it was not a dense, urban tract. Thus, building tract homes here offends those who worked a lifetime and paid dearly to realize their dream.

Working families enjoy this neighborhood, too. Most of the neighborhood children know each other. The children can go about the neighborhood freely and safely, a simple pleasure almost forgotten in dense, urban areas. Parents don't have to worry as much about the crazy things that happen *elsewhere*.

So, contrary to Mr. Bischoff's impression, the rapid development of subdivisions has alarmed people. There is a deep desire for a more controlled pace, and great concern for an overall community "architecture" that suits the commonly held image and desired lifestyle.

#### What Now?

I plan to continue circulating the petition opposed subdivision of Tax Lot 5000. I plan to oppose that subdivision at the Planning Commission's meeting 7 PM, TUESDAY, DEC 4, 2001.

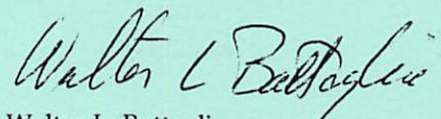
Based on my conversation with Mr. Bischoff, it appears we need to be organized as a Neighborhood Association to resolve any of the many complaints I've heard in my rounds. I propose we do that. I would like to know whether you will attend meetings and support such an organization.

Further, it appears we need to take the steps of requesting the City Council to reconsider ZONING and impose a BUILDING MORATORIUM, just to get the City's attention. Unfortunately, there seems no middle ground. So, I would like to know where you stand on taking those steps.

I think it might be helpful to have a neighborhood meeting in the near future to discuss all of this, if a suitable location (large room) can be found. Do you think such a meeting would be useful?

I will appreciate hearing your ideas.

Sincerely yours,



Walter L. Battaglia  
Consultant

cc:





ARCHITECTS  
ENGINEERS  
SURVEYORS  
PLANNERS

375 PARK AVE  
COOS BAY,  
OREGON  
97420

541.269.1166  
FAX 541.269.1833  
CELL 541.953.3958  
mored@hge1.com

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

November 25, 2001

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Attn: John Bischoff  
Planning Director

Re: Spindrift Subdivision  
Project # 9820

Dear John:

I apologize for not responding to your inquiry regarding the Spindrift Subdivision with more expediency, but this one got buried in a separate file rather than in my in-basket. Your question was regarding access and sight distance for Dawson Road, and this is a difficult corner to construct on.

However, in order to develop the property, these lots will need to access either on the East-West or North-South portion of Dawson Road. Some of the traffic would be eliminated if the lots were rotated 90 degrees, although sight distance will continue to be a concern. Eventually, a stop sign will be needed on Dawson Road North, and this may be a good time to have it installed. Other than a change of orientation, with the lot sizes being proposed and required, sight distance will be a concern.

Please contact me if you have any questions or concerns in this regard. Thank you for the opportunity to be of continuing assistance to the City of Brookings.

Very truly yours,

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

Richard D. Nored  
President

c. LeRoy Blodgett, City Manager  
Leo Lightle, Community Development Director  
Dennis Barlow, Public Works Superintendent



## CALIFORNIA EXPERT SOFTWARE

17304 Blueberry Drive ♦ Brookings, OR 97415-9717  
(541) 469-3593 ♦ e-mail: calxsoft@harborside.com

City Planning Director  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

November 18, 2001  
**RECEIVED**  
NOV 20 2001

RE: Subdivision of Assessor's map #40-14-36 BB Tax lot 5000

TO: The Brookings Planning Commission

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

I am writing to oppose approval of the above proposed subdivision at your Dec 4, 2001 meeting.

I and Shiow C Hwang jointly own the property at 17304 Blueberry Dr, immediately northeast of the proposed subdivision. Our property could be severely impacted in several ways, depending on how the subdivision is further developed. Prior to this proposal, we have not been consulted in any manner. In fact, I am surprised by the proposal, as there were "neighborhood stories" that the owner planned no changes to that property.

I have several causes and arguments why the Brookings Planning Commission (hereinafter, "the Commission") should deny this proposal. In the first instance, I urge the Commission to deny the proposal because it does not conform to the existing pattern of land use in this area. Secondly, even if the proposal is to be approved in some form, it requires amendment to minimize impact on neighboring properties, particularly ours.

### Pattern of Use

Inspection of the map of surrounding properties shows that most of the lots are significantly larger than .2 acre. In fact the immediately adjacent lots range from .25 - .35 acre. ALL of the adjacent houses are SINGLE STORY, except for 2 recently built 2 story homes (tax lots 3002 & 3003).

Using the larger lot sizes of immediately adjacent properties, it is clear that at most 7 lots could be accommodated (2.09 acre / .30 acre lot size). Further, about 30-40% of tax lot 5000 is interior; i.e., there is no access road. Using existing street frontage only, perhaps 5 lots could be created, if the ultimate intention is homebuilding. Otherwise, some sort of access road would be required to service the interior lots, and that further reduces the number of lots. As a rough guess, it appears to me not more than 6 lots could actually be configured in this parcel.

The 2 recently built homes, tax lots 3002, 3003 are the exception to the rule in this neighborhood. This has been the subject of discussion among the residents, with the overwhelming majority believing that the spacing between those houses is just too small. Either the houses should have been 1 story, or the lots made larger, or the separation greater. In other words, the land use is not good, and is in definite contrast to everything else in the neighborhood.

I suspect the proposed subdivision has in mind building of more homes like those on tax lots 3002, 3003. This would be an inappropriate development of this neighborhood. Such a plan would impact all adjacent property owners; for example, possibly REDUCING property values of recently built homes on Garvin Ct. I believe such a plan would reduce the value of our property by 10-20% or more. Any structures in this subdivision would block the ocean view of those on Garvin Ct, and structures higher than 1 story would block our ocean view.

Except for Cottage Court subdivision, all of the recently built homes in this area are on larger lots. In general, anyone walking about the neighborhood - as many residents do everyday - can see that there is considerable space between the homes. The landscaping is generally very good, giving the impression of a park-like environment. The proposed subdivision would destroy that effect in the entire area, thus impacting property values negatively.

Some other proposal might be acceptable, but this proposal simply doesn't fit the neighborhood. For that reason, it should be denied.



## Ocean View

I was not aware of the eventual development of tax lots 3002, 3003; otherwise, I would have opposed it. I was surprised when the builders laid 2 foundations, and then shocked when they put up 2 story houses. The 2<sup>nd</sup> story blocks part of our ocean view, which was a significant factor in the purchase of our property just 1 year ago.

When we were purchasing this house, our Real Estate Agent, Rosemary Draskovich, repeatedly pointed out the ocean view. During my final site inspection prior to close of escrow in October, 2000, Rosemary and I discussed the closing while watching a spectacular sunset from the front porch. That sunset dispelled any doubts I may have had about this property's location. The ocean view was an important factor in my assessment of the property's value.

Our property is uniquely situated with respect to the proposed subdivision. We are immediately across the street, and just about 1 story higher than the proposed subdivision. Anything more than 1 story high across the street will, in fact, block our ocean view, and prevent viewing sunsets in the fall and winter seasons. I judge this by observing that the roof-line, and trees in front, of the house on tax lot 5001 obscure a little of the ocean, and the 2<sup>nd</sup> story of the houses on tax lots 3002,3003 obscure about 1/2 the ocean view.

From my point of view, any development which removes the ocean view, especially viewing the sunsets, will have a significant, negative impact on this property's resale value and my enjoyment of it. In addition, 3-4 home owners on Garvin Ct (tax lots #5112, 5113, 5114) and the tenant in tax lot #5001 may be similarly impacted.

## Open Space

Shiow and I were both impressed by the open spaces near our property. We had looked at many houses in Brookings and found them unacceptable because they were too closely packed. We preferred to buy this "outlying" house facing on Dawson and open fields rather than one in an "interior" neighborhood. Our Blueberry property represented a solution to our desire to have more open space at a reasonable cost.

If the proposed subdivision is built - possibly ELEVEN 2 story houses on small lots - the exact conditions we tried to avoid will have been created. We would be in the midst of a congested neighborhood like downtown Brookings.

The point is, the proposed subdivision and likely development would destroy the unique "location" value of our property. In a stroke, the rural flavor of this property would be turned into that of an urban tract. I believe that would have an extremely negative impact on the resale value of our property.

## Compensation

I believe the owner of the proposed subdivision should be required to compensate us for any development which reduces the value of our property.

While there is no immediate loss of value because of subdivision markings on a map, it is the development which subdivision allows (and is probably intended) which would reduce our property's value.

If the proposed 11-lot subdivision is approved and 2 story houses are built, we would have to build a 2<sup>nd</sup> story on our house to recover our ocean view. An informal estimate of the cost of a 2<sup>nd</sup> story was \$65,000. In my opinion, that is the value we lose if this sort of development occurs.

If 11 small, single story homes were built on this subdivision, the devaluation of our property could be as much as \$20,000. We would then appear to be in the midst of a dense urban neighborhood, like the mobile home parks in Harbor. This would have a strong negative impact on all the larger, and more expensive homes in the area.

If 1 story houses were built, our loss of value would depend on the final density and other factors. Assuming only 5 or 6 single story homes were built on 1/3 acre lots, our loss of value could be minimal or none at all. Much would depend on the eventual appearance (style) of the development.



## Streets & Services

If more than 5 homes are built on the subject property, they would have to be on interior plots. This would require building water and sewer facilities, and some sort of street to the interior of the lot. This would take a large amount of available space. It is difficult to see how more than 6 homes altogether could be built on the property, taking into consideration the infrastructure.

Putting in a street would be required, as otherwise it is difficult to see how emergency equipment (fire, police, etc) would access any structures built on interior portions of the property. But, given the current street layout, this is going to cause traffic problems and a possibly dangerous entrance onto Dawson Rd. Likely street plans would intersect Dawson Rd near its 90° turn, where it also intersects with Holmes Dr, and across from several private driveways. If the street comes out across from our and the Dawson property, drivers may not be able to see oncoming traffic as it rounds the turn. Left turns would be especially dangerous.

A lot of new homes are being built in this area. We are being subjected to an unusual volume of heavy construction traffic, starting around 7 AM and lasting to as late as 8 PM. Construction work appears to be going on every day., and some of my neighbors have complained about that. There appears to be a headlong rush to build out the area, which is not conducive to executing a well thought-out plan.

The City seems to have forgotten that additional population puts pressure on other services as well. VERIZON has not upgraded to digital nodes. Elderly or sick people must be able to drive downtown, as there are no stores, clinics or other services available here. It is a rare day when I see a Brookings Police patrol car. I hope our wet ocean climate prevents fires, because it is not clear how fire fighting equipment would reach some locations.

## Summary

I ask the Commission to deny this subdivision proposal.

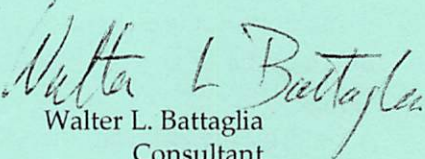
This proposal is NOT an extension of the present neighborhood design; it is a fundamental change of it. I think the Commission should consider this request in the context of all the other developments in this area.

If the proponents wish to propose a different subdivision of the property, they should be required to negotiate an acceptable plan with neighborhood property owners. Such a plan should consider all the impacts their development implies, and provide appropriate relief, possibly including compensation for lost values.

I must request relief from the Commission, as I believe our property is one of the most severely impacted by the proposed subdivision.

I plan to present these and any further considerations to the Commission at its Dec 4, 2001 hearing.

Yours truly,

  
Walter L. Battaglia  
Consultant

cc:



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

In the matter of Planning Commission File No. )	Final ORDER
SUB-6-01; application for approval of a subdivision; )	And Findings of
Douglas Purdy, applicant. )	Fact
)	

---

ORDER approving an application for a subdivision to divide a 2.09 acre parcel of land into 11 lots ranging in size from 7,509 to 7,746 sq. ft., located in the southeast corner of where Dawson Rd. turns from an east/west alignment to a north/south alignment; Assessor's Map 41-13-36BB, Tax Lot 5000; 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 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 December 4, 2001; and

3. Recommendations were presented by the Planning Director in the form of a written Staff Agenda Report dated November 16, 2001, 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 approved the request for the subject subdivision and directed staff to prepare a Final ORDER and Findings of Fact to that affect.

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

#### **FINDINGS**

1. The applicant is requesting a subdivision to divide a 2.09-acre parcel of land into 11 lots ranging in size from 7,509 to 7,746 sq. ft. with an average lot size of 7,592.54 sq. ft. and will create a private street.
2. The subject property is zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) and is designated as Residential by the Comprehensive Plan.
3. The proposed subdivision is located within the area of the Dawson Tract Neighborhood Circulation Plan, which allows private streets of 20 feet in width and serve no more than six lots.
4. All of the lots surrounding the subject property have frontage on a public street.
5. Pursuant to the Dawson Tract Neighborhood Circulation Plan all lots fronting on a narrow street with no on-street parking must be at least 7500 sq. ft. in size to accommodate four additional parking spaces.
6. The county planning staff has stated that there are no other subdivisions in the county with the name of, or similar to Spindrift Subdivision.
7. A check of the 97415 Zip Code area has revealed that there are no streets with the name of, or similar name as Spindrift Ln.
8. Dawson Rd. is a paved travel way within a 45-foot wide right of way adjacent to the north boundary of the subject property and a 50-foot right of way adjacent to the northerly 190 feet of the westerly boundary and 45 feet from that point south, with no other improvements.



9. There is a water and sewer main located in both alignments of Dawson Rd., however, the City of Brookings has identified a limited maximum capacity in its wastewater treatment plant. This land use approval does not constitute a representation or commitment that capacity will exist in the wastewater treatment system of the City of Brookings to serve the development proposed. The availability of connection approvals to the wastewater treatment system are on a first come-first serve basis and regulated under the provisions of Ordinance No. 88-0-430.


## CONCLUSIONS

1. All of the lots created by the proposed subdivision are less than twice the size of the minimum lot allowed by the R-1-6 Zone and therefore there are no remainder lots. All of the lots surrounding the subject property have frontage on a public street and are either developed or can be accessed for development. The proposed subdivision will not prevent any of the surrounding lots from being accessed for development.
2. The conditions of approval applied to the approval of this subdivision will include standard conditions and project specific conditions, all of which can be satisfied prior to the recordation of the final plat map.
3. There are no other subdivisions in Curry County with the name of, or similar to, Spindrift Subdivision. There is no street within the 97415 Zip Code area with the name of or similar to Spindrift Lane.
4. The proposed subdivision is consistent with the provisions of the R-1-6 Zone in terms of lot size and design, is consistent with the provisions of the Dawson Tract Neighborhood Circulation Plan, and meets the criteria addressed above. The subdivision is consistent with the goals and policies of the Comprehensive Plan, particularly Goal 10, Housing, which contains a policy that the city will not place undue restrictions on the development of land and with the overall goal of using land within the city efficiently.


## CONDITIONS APPLICABLE PRIOR TO FINAL APPROVAL

The conditions of approval are attached to and hereby made a part of this report.

Dated this 4<sup>th</sup> of **DECEMBER**, 2001

  
Richard Gyuro, Chairperson

ATTEST:

  
John C. Bischoff, Planning Director



## **City of Brookings, Oregon Planning Commission**

Commissioner Richard Gyuro, Chair

Commissioner Ted Freeman, Vice- Chair

Commissioner Jim Collis

Commissioner Randy Gorman

Commissioner Judi Krebs

Commissioner Russ Fritz

Commissioner Vikki Nuss

### **Annual Report for 2001**

The Planning Commission saw 36 actions at 10 regular meetings during 2001 which included the following:

Minor Partitions	5 creating 10 lots
Subdivisions	5 creating 43 lots
Conditional use permits	3
Minor changes to Conditional Use Permits	6
Annexation	1
Zone change	1
Land Development Code change	1
County Referrals	7
Granted 1 one-year extension for Subdivision completion	
Granted 1 one-year extension for Conditional Use Permit completion	
Considered 4 final maps for approved subdivisions	
Considered 1 final map for approved major partition	

#### **Recommendations:**

- Immediate replacement of the Council Chamber sound system. The present malfunctioning audio arrangement is an embarrassment to the City. The City has provided TV coverage of Planning and Council meetings in the noble hope that more citizens will become involved or interested in City decisions. Reports from the home audience indicate that audio reception is so poor in many cases that the viewer turns off the set, nullifying any potential benefit. The squeals and howls of the antiquated system are also a distraction to the live participants at the meetings.
- Continuation of regularly scheduled meetings between the City Council and Planning Commission. While the Planning Commission makes it's decisions based on existing ordinances and land development code, an ongoing dialogue helps the Planning Commission members see the overall direction in which the City is moving regarding land development issues.
- Dialogue (or at least information sharing) should be encouraged between the Planning Commission and Parks and Recreation Commission regarding issues such as park parcels donations or potential creation.



➤ **DIA's (Deferred Improvement Agreements)**

This issue puts the City Council squarely in the hot seat. The delay of street improvements has resulted in some areas having checkerboard sidewalks, property owners unhappy with the prospect of having to pay for improvements unbudgeted by them, and some developers left with the perception of favoritism towards several land developers. The need to call in existing DIAs has led to a state of "paralysis" by the City since at least 1991, when DIAs were first granted. The host of problems is almost too long to enumerate. On top of this, the present ordinance, 172.070, does not allow for a complete prohibition of DIAs as suggested by some. The City Council and Planning Commission have scheduled a series of meetings regarding this. The Planning Commission's expectation is that a cohesive, reasonable (financially palatable) solution will at last be found in 2002. The solution will not please everyone; the City Council, we believe, would gain the admiration of its citizens by finally deciding on an effective solution to this irritant.

➤ **Dawson Tract and the "S" curve**

Using 20/20 hindsight, Dawson Tract probably could have planned better with more open space (a park, for instance). Land was donated at one time for a park, but it was given back to a developer by a former City manager. Citizens complaints include lack of such a park and they are particularly vocal about the limited and potentially dangerous access off highway 101. Once again, the Planning Commissioners expect that the City Council, ODOT, Dawson Tract residents and the Planning Commission will find a viable solution to the untenable situation. It is the opinion of some Planning Commissioners that the City Council is underestimating the concerns of its' constituents in this matter.

➤ **Staff Follow up and enforcement of land development codes**

Better post Planning Commission decision follow up of conditions levied by staff would lead to a more improved perception of the City's determination to enforce the code.

➤ **Ending on a positive note, the Planning Commission would like to thank the City Council for providing funding for necessary training of Planning Commission members. Legislation continuously changes in land use, it is nice to know that ongoing training is available.**

Respectfully submitted,

Richard Gyuro  
Planning Commission Chair



## **Parks & Recreation Commission Report Calendar Year 2001**

Submitted to Brookings City Council  
Monday, February 11, 2002

### **Overview**

The past year has been very busy for the commission with some projects completed and others still in progress. We had several personnel changes on the commission with the resignation of Nancy Shute and Russ Fritz moving over to the planning commission. The council appointed Bill Boynton and Tony Parrish to serve on the commission and Linda Barker, city staff, to take over the duties of Secretary. Linda has been with us since October and has made a major contribution to our effectiveness. Craig Mickelson was selected to be chairman for 2002 and Tony Parrish will serve as vice-chairman. We also have Lisa Nowlin back as our student ex-officio member, she served with us during the 2000-2001 school year. We continue to have commissioners represent different parks and activities and report to the entire commission at each meeting. Credit for the past years success must be given to all of the volunteers that help with the parks and run the many recreation programs for citizens of our community, they really care. The following is just a glimpse of the activities, by park, during the year.

### **Azalea Park**

The Azalea Foundation continues to look after this park with diligence and great effort. Because of their work, Brookings Harbor Rotary and grants, we will have a new restroom facility and snack shack near the band shell this coming fall. The large group of volunteers has kept this park in pristine condition with the help of city staff. The Sand Volleyball Association had a set back this fall but look to finish their project this spring. Kidtowns general condition gained attention and a group of volunteers was formed to look after the facility and help with repairs and improvements, Borax Corporation has donated \$1000.00 towards this project. We hope to develop additional parking and possible upgrading of the existing restrooms in the near future. The ball fields are looking great and the associations continue to make improvements at both facilities. Public use of this park continues to grow every year, it is a tremendous asset to the community.

### **Stout Park**

This park is in need of a sprinkler system and some attention to what we identify as the lower area. Because of it's proximity to the schools, we do have some litter problems to contend with. Generally, the park is in good condition and the shrubbery has held up well.



### **Easy Manor**

The park continues to attract the young children and their parents. Several Day Care centers use the park, weather permitting, to provide outside activities for the children. No major improvements have been made to this park during the past year.

### **Chetco Point**

With the purchase of a power wheelbarrow we are able to perform maintenance and make improvements at this park. We did some trail repair, bridge alteration and improved parking along with some cutting and pruning this past year. The coming year will see continued development of the park consistent with the guidelines of our public hearings.

### **Bud Cross Park**

The Little League Association has made some alterations to the upper field by moving the outfield fence to better fit their size rules. The space gained allowed us to place the new Skate Park in the upper corner of the park. This park continues to support the recreation needs of a lot of people from daylight to well after dark.

### **Skate Park**

With the formation of an official committee by Mayor Hagbom in August of 2001 the park moved along at a rapid pace. Russ Johnson was elected chairman with Frances Johns, LeRoy Blodgett, Leo Lightle, Sandy Hislop, Buzz Hansen and Craig Mickelson on the committee. The committee met monthly and involved the youth and their parents in many of those meetings. When a major donor stepped forward to add to the Rotary contribution the committee was able to hire a developer and complete the project by November. Although we still have a few items to finish, when weather allows, the park is being used now. It was a unique experience and the committee and commission wishes to thank the council for allowing us to operate in an unusual contractual manner with the Dreamland Team. Already, there is talk of hosting a competitive event at the Skate Park this summer because the skaters think the park turned out great. Due to the help and supervision by city staff, we will finish the Skate Park under budget.

### **Conclusion**

The Parks and Recreation Commission is moving along at a rapid pace with a new Master Plan under way, conducted by the University of Oregon. This study will provide the commission with needed direction for the future development of programs and facilities that will fit the needs of everyone in our community.

Respectfully submitted

Craig Mickelson, Chairman  
Brookings City Parks and Recreation Commission





## **Staff Report**

**To:** Mayor Hagbom & City Councilors  
**From:** Leroy Blodgett, City Manager  
**Date:** February 5, 2002  
**Re:** Council Goals

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### **BACKGROUND**

On January 26, 2002, City Council met with Park & Rec. Commissioners, Planning Commissioners and Department Heads to consider goals for Fiscal Year 2002-2003. The process was very participatory and productive. The following is a list of the goals that were approved by consensus at this meeting. The approved goals will provide staff direction in budget preparation and project schedules.

- Complete preliminary design, select site location(s), and identify fund sources for
  - Community Center & Covered Swimming Pool
  - City Hall
  - Fire Hall
- Downtown Revitalization/Couplet
  - Complete Master Plan
  - Support & begin implementation of the Master Plan
  - Lobby to have Phase II of the couplet on the STIP
- Parks
  - Complete new concession stand/restrooms at Azalea Park
  - Remodel or improve all park restrooms
  - Complete Parks Master Plan
  - Upgrade all Play Equipment
  - Fund Recreation Programs
- Public Works Shop
  - Begin Construction Phase
- Water
  - Begin Implementation of the Water Management Plan
  - Secure funding for increased water storage and system upgrade



- Wastewater
  - Reduce Infiltration & Inflow
- Complete engineering study for Dawson/Carpenterville Roads & Highway 101
- Improve Cable TV Service
- Explore the possibility of a second bridge on Chetco River for Emergency Preparedness

### **STAFF RECOMMENDATION**

Staff recommends City Council move to approved the Fiscal Year 2002-2003 Council Goals as presented.



# TREW, CYPHERS & MEYNINK

JOHN B. TREW  
CAROL POLI CYPHERS  
JOHN MEYNINK

ATTORNEYS AT LAW  
222 E. 2nd Street  
P. O. Box 158  
Coquille, Oregon 97423-0158  
(541) 396-3171  
FAX (541) 396-5723  
e-mail: trewcyphers@harborside.com

ESTABLISHED BY  
A. J. SHERWOOD  
IN 1886  
HARRY A. SLACK, SR.  
(1900-1988)  
HARRY A. SLACK, JR.  
(RETIRED 1991)

January 11, 2002

Leroy Blodgett  
City Manager  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Dear Leroy:

Our firm has served as The Brookings City Attorney since March 9, 1990. I was appointed City Attorney on an interim basis on March 12, 1998, when my partner Martin Stone was appointed to the Coos County Circuit Court. I had previously assisted Marty with the City Attorney responsibilities and represented the City in all Municipal Court matters. My appointment was confirmed in September of 1998.

I would like to request that the Brookings City Council approve a new attorney fee agreement to go into effect July 1, 2002. I request that the Council approve the following:

An increase from \$90 per hour to \$95 per hour for services other than litigation, arbitration and mediation (the \$90 per hour has been in effect since March 9, 1990).

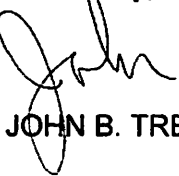
An increase from \$90 per hour to \$100 per hour for litigation, arbitration and mediation.

LUBA appeals would be billed out at \$95 per hour unless the matter went to the state or federal court system.

Reimbursement of mileage expense at the prevailing Internal Revenue Service mileage allowance rate.

Please share my request with the Mayor, the members of the City Council and the budget committee. I will be glad to respond to any questions or concerns.

Yours truly,



JOHN B. TREW

JBT:jl

1-16-02-PC Mayor  
Council  
SR



Curry County  
Juvenile Department

P.O. Box 746  
29821 Ellensburg Avenue  
Gold Beach, OR 97444  
(541) 247-3302  
(541) 247-5000 fax



Terry L. Yantis, Interim Director

January 31, 2002

Mr. Leroy Blodgett  
Brookings City Manager  
898 Elk Drive  
Brookings, OR 97415

Dear Mr. Blodgett;

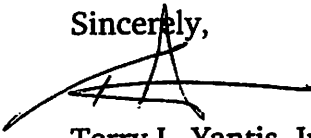
We respectfully request that the City Of Brookings waive to Curry County the amount of \$2149 allotted to the City Of Brookings through the Juvenile Accountability Incentive Block Grant Program. The Criminal Justice Services Division of the Department of State Police is the state-administering agency for the Juvenile Accountability Incentive Block Grant. Cities receiving small awards or cities that would prefer not to utilize their allocation directly may request those funds be waived or awarded to and expanded by, another larger or contiguous local jurisdiction. Jurisdictions wishing to exercise this option must submit a formal letter to Criminal Justice Services Division, signed by the appropriate authorizing official, stating the desired course of action to be taken with the allocation.

As per last year, our collaborative efforts will enable the Juvenile Department to utilize these funds for detention purposes. This partially satisfies an unmet need identified in the High-Risk Juvenile Crime Prevention Partnership Plan.

Enclosed you will find a suggested letter to Criminal Justice Services Division, which when signed by the appropriate authorized official, would waive the funds to our jurisdiction. Please forward the letter on your letterhead to my office as soon as possible. The due date for the application is March 1, 2002. Your letter will be included in the application.

Thank you very much for your time and cooperation.

Sincerely,



Terry L. Yantis, Interim Director

Enc.

# CITY OF BROOKINGS

898 Elk Drive  
Brookings, Oregon 97415  
Phone (541) 469-2163  
Fax (541) 469-3650  
cityhall@brookingsor.org

The Home of Winter Flowers



February 27, 2001

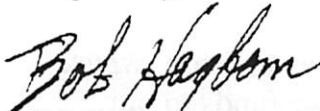
Criminal Justice Services Division  
Department of State Police  
State of Oregon  
400 Public Service Building  
Salem, OR 97310

RE: Juvenile Accountability Incentive Block Grant Program

Dear Sirs,

This jurisdiction waives to Curry County the JAIBG allocated funds to the City of Brookings in the amount of \$1,968.00. We are in agreement with the strategies developed in the High-Risk Juvenile Crime Prevention planning process. We expect to pool our monies for purposes consistent with this plan and implement a program consistent with the unmet needs identified in the High-Risk Juvenile Crime Prevention Partnership Plan. We are aware that as a result of this collaborative effort, cities with less than \$2,500 allocation will have their award increased to \$2500.

Respectfully,

  
Bob Hagborn  
MAYOR

BH/sr

pc: Curry Co. Community Justice-Director  
City Council  
City Manager Leroy Blodgett  
Finance Director Randy Reed  
Chief of Police Ken Lewis



Department of State Police  
Criminal Justice Services Division  
400 Public Services Building  
Salem, OR 97310

This jurisdiction waives to Curry County, the JAIBG funds allocated to the City of Gold Beach. We are in agreement with the strategies developed in the High-Risk Juvenile Crime Prevention planning process. We expect to pool our monies for purposes consistent with this plan, and implement a program consistent with the unmet needs identified in the High-Risk Juvenile Crime Prevention Partnership Plan. We are aware that as a result of this collaborative effort, cities with an allocation of less than \$2,500 will have their award increased to \$2,500.

Respectfully,

**CITY OF BROOKINGS  
COMMON COUNCIL MEETING MINUTES  
City Hall Council Chambers  
898 Elk Drive, Brookings, OR 97415  
January 28, 2002  
7:00 p.m.**

**I. CALL TO ORDER**

Mayor Bob Hagbom called the meeting to order at 7:05 p.m. He introduced and welcomed Noël Connelly as the new Ex-Officio Student Councilor.

**II. PLEDGE OF ALLEGIANCE**

Led by Ex-Officio Student Noël Connelly

**III. ROLL CALL**

Council Present: Mayor Bob Hagbom, Council President Larry Curry, Councilors Frances Johns, Rick Dentino, and Ex-Officio Student Councilor Noël Connelly, a quorum present.

Council Absent: Councilor Lorraine Kuhn, excused

Staff Present: City Manager Leroy Blodgett, Police Lt. John Bishop, Finance Director Paul Hughes, City Auditor Rob Wall of Wall & Wall, CPA, Community Policing/School Resource Officer Curt Fox and Administrative Secretary Sharon Ridens

Media Present: Scott Graves, Editor of Curry Coastal Pilot

Other: Chamber of Commerce Executive Director Les Cohen, Lee E. Sparks, Assistant District Manager of ODOT District 7, Marine Corps League Commandant Robert Gilmore, and approximately 20 other citizens

**IV. CEREMONIES/APPOINTMENTS ANNOUNCEMENTS**

**A. Announcements**

1. Twenty Years of Service – Community Policing and School Resource Officer Curt Fox – January 27, 1982

Mayor Hagbom presented Police Officer Curt Fox with a Certificate of



Appreciation for his twenty years of service with the City. Lt. John Bishop added further accolades regarding his different "hats" worn.

On a sadder note, Bishop advised Council VIPS (Volunteers in Police Service) member Patsy Muniz had passed away over the weekend. She had been a VIPS officer for the past three years.

2. Special recognition to Vikki Nuss – Thank you for service on the Planning Commission/resignation received  
Mayor Hagbom thanked retired Planning Commissioner Victoria Nuss for her two years and 10 months of service to the citizens of Brookings by presenting her with a Certificate of Appreciation.
3. Special recognition by Marine Corps League for the "Toys for Tots" Program presented by Bob Gilmore and Cal Murphy  
Marine Corps League Bob Gilmore asked Council to allow special recognition to two citizens who helped facilitate the Marine Corps League's Christmas Toys for Tots Program for our local area. He explained the program and recognized that many individuals and businesses in the community had made the program a success. However, Gilmore noted two people in particular had outstandingly stepped up and organized a motorcycle bike run to raise over \$5,000. He proceeded to give two distinguished citizens recognition awards, the Marine's third highest award, in the form of bronze medals to John A. Donnelly and Barron A Peterson. Barron gave special credit to his wife, Lavonne, for all her work and John thanked all the private businesses who helped make it happen.

B. Appointments

Mayor Hagbom informed Council several citizens from the community had volunteered, noting having more volunteers than positions available is a tribute to the community. He asked for those who do not get appointed to please keep their names in front of the Council and thanked them for applying. Hagbom proceeded to make appointments as follows:

1. Budget Committee/Position #4 - 3-year term expiring February 01, 2005 (effective Feb. 1)  
Virginia Byrtus was re-appointed to Budget Committee Position #4.
2. Budget Committee/Position #5 - 3-year term expiring February 01, 2005 (effective Feb. 1)  
Lee Rodgers was re-appointed to Budget Committee Position #5.

3. Parks and Recreation Commission/Position #1 - 4-year term expiring February 01, 2006 (effective Feb. 1)  
Nina Canfield was re-appointed to Parks and Recreation Commission Position #1.
4. Parks and Recreation Commission/Position #7 - 4-year term expiring February 01, 2006 (effective Feb. 1)  
Craig Mickelson was re-appointed to Parks and Recreation Commission Position #7.

**Councilor Johns moved, Councilor Curry seconded, and the Council voted unanimously to approve the Mayor's appointments effective February 1, 2002, as follows:**

- **Virginia Byrtus re-appointed to Budget Committee Position #4, Term Expiration of February 01, 2005**
- **Lee Rodgers re-appointed to Budget Committee Position #5, Term Expiration of February 01, 2005**
- **Nina Canfield re-appointed to Parks and Recreation Commission Position #1, Term Expiration of February 01, 2006**
- **Craig Mickelson re-appointed to Parks and Recreation Commission Position #7, Term Expiration of February 01, 2006**

**VI. SCHEDULED PUBLIC APPEARANCES**

- A. Rob Wall – Wall & Wall, CPA/1999-2000 (Corrected verbally to 2000-2001 to Council) Comprehensive Annual Financial Report  
Rob Wall presented to Council the 2000-2001 Comprehensive Annual Financial Report, stating audit went very well. Wall thanked Musser & Associates for their assistance. He made a few recommendations, especially regarding GASB34, in the management report provided. Wall thanked Council for allowing Interim Finance Director Beverly Gasper to help them get through this first audit, noting her expertise was invaluable.
- B. Lee E. Sparks, Assistant District Manager/ODOT District 7  
Assistant District Manager of ODOT District 7, Lee Sparks, was present to congratulate the City of Brookings for securing \$5,000,000 for its couplet project. Sparks stated he hoped the community understands and appreciates the hard work Mayor Hagbom and City Manager Blodgett did to bring this to fruition. He also presented the City with engineered plans for the lighting on the Dot Martin Bridge on the Chetco River. Mayor and Council were most appreciative and thanked Sparks for



all his sincere efforts.

City Manager Blodgett advised Council he had received notice ODOT Director Bruce Warner would be on the southern Oregon coast on February 4. Hopefully, Brookings will have an opportunity to have a reception to thank him for his efforts.

## **VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE**

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

#### **1. Chamber of Commerce**

##### **a. Annual Report**

Chamber Executive Director Les elaborated on the presented Chamber of Commerce Program Report for Calendar Year 2001 in the areas of performance accomplishments, tourism forecast for calendar year 2002, which is optimistic, and made suggestions for this next year. Cohen requested the City to consider budgeting funds to be specifically used for refurbishing and purchasing holiday light and sign fixtures. He reminded Council of the upcoming Business Outlook Conference on Tuesday January 29 and noted there were 150 pre-registrants - the largest number to date.

Chamber President Peter Spratt thanked Cohen for his presentation and followed with an overview of the Chamber's "2001 interesting year," which included beginning with the threat of closing down Hwy 199 for extensive time segments and ending with up to a 10 to 40% decrease in revenues in the nation after September 11 tragedy. Spratt advised Council the Brookings-Harbor area had seen only a little more than 2% decrease in bed tax dollars, and yet an increase in visits to chamber office - "a testament to the Chamber's staff, volunteers, and Executive Director Les Cohen, their constant factor." Brief discussion ensued regarding the expectations of Year 2002. Hagbom thanked Spratt and Chamber for their networking, which has proven so effective.

#### **2. Council Liaisons**

Councilor Dentino attended the Republicans Central Committee meeting, worked at the Rotary's golf tournament, and attended the City's Goals Setting Workshop.

##### **a. Curry County Recycling Committee - Annual Report/Councilor Johns** Councilor Johns attended various meetings: School District's Oversight Comm., Curry County Recycling Comm. (a copy of the

Annual Report is included in these minutes), which included the figures from the Fall Clean Up Program: Metal – 350 tons collected (450 cu yards) a savings of \$19,228 in disposal costs; Yard Waste (450 cu yards) a savings of \$4,702 in disposal costs.

Councilor Curry had no remarks, while Mayor Hagbom advised he went to a variety of meetings during the past two weeks.

**B.     Unscheduled**

Cheri McCorkle of the Brookings Harbor Youth Association Board (BHYA), asked Council to participate in the Bruin Café program sponsored by BHYA, which is designed to recognize students monthly who make accomplishments over adversities or do something special for someone else or within the school and who are not in the “main-stream” of leaders in the school district. McCorkle asked Council to serve lunch to these students, to encourage them to do their best and make improvements for month of March. Mayor and Council whole-heartedly gave their support to her and these type of activities and agreed to serve lunch at the Bruin Café on March 22, 2002, and if possible have lunch with the students. She also shared other programs in which the BHYA is involved.

**VIII.   STAFF REPORTS**

**A.     City Manager**

**1.     Chinese New Year – request for closure of Cottage Street**

City Manager Blodgett presented a request from Mr. & Mrs. George Lee of Lee’s Dragon Gate Restaurant to close Cottage Street to celebrate the February 12, 2002 Chinese New Year on February 16, 2002, at Noon. Alternate dates, due to inclement weather, proposed were February 23, March 3, and 10, 2002. Blodgett recommended approval.

**Councilor Johns moved, Councilor Dentino seconded, and the Council voted unanimously to approve the closure of Cottage Street from the direct corner of the Dragon Gate Restaurant at Pacific and Cottage to the end of the Dragon Gate parking lot where it joins the Chetco Federal Credit Union driveway on Cottage Street, during the time of 11:30 a.m. to 2:00 p.m. and permission granted for owner George Lee to set off a controlled line of firecrackers in a safe area with appropriate fire protection immediately available.**

Pat Silveria of 97950 Holly Lane, Harbor Oregon was present on behalf of Lee’s Dragon Gate. She was advised to contact the Police Department to



confirm all of the arrangements, and that a copy of the approval from Council would be given to the Public Works Department and the Police Department. Mayor Hagbom thanked the Lee's for handling this matter in advance of the celebration.

2. Award of contract for Downtown Master Plan

City Manager Blodgett revisited the Downtown Revitalization Project and the two grants totaling \$50,000 to complete a master plan for the downtown core area. After careful consideration by the five member Downtown Development Committee of three final proposals and presentations to the committee and staff, a final selection for RBF Consultant's Urban Design Studio was made. Blodgett provided a copy of their proposal, which is included in these minutes, and advised RBF Consultants is from Irvine, California. They have partnered with Spencer & Kupper, who will be doing the urban renewal portion of the project: one being the Master Plan itself, another to develop some type of architectural standards controls to assure the revitalization project ends up looking like the Master Plan, and last to update the Urban Renewal Plan to insure the infrastructure. He recommended approval of RBF, and explained their short standard contract proposed was not available at the moment because of a few minor changes, such as replacing "California" with "Oregon", etc.

**Councilor Dentino moved, Councilor Johns seconded, and the Council voted unanimously to approve the Downtown Development Committee's recommendation to contract with RBF Consultant's Urban Design Studio for a cost not to exceed \$70,000 and authorize the City Manager to sign all necessary related documents for accepting a contract approved by the City Attorney and City Manager.**

3. Other

City Manager Blodgett congratulated Council and Commissions on their successful City Goals Setting Workshop held on Saturday. He will be presenting the list and recommendations at the next Council meeting. Blodgett advised he would be attending a community incentives workshop in Oakland on February 7, and then going to Sutherlin the next morning for a Southern Regional City Manager's meeting.

B. Community Development Department

1. Coos Curry Electric Coop request for easements – Old County Road

City Manager Blodgett presented the Staff Report from Community Development Director Leo Lightle regarding an easement to place two above-

ground junction boxes on Old County Road adjacent to Azalea Park. He discussed this matter with Lightle, who confirmed staff support of recommending the City authorize the easements.

**Councilor Johns moved, Councilor Dentino seconded, and the Council voted unanimously to authorize the easements to Coos Curry Electric Cooperative per the presented map for installing two junction boxes similar to box already placed on Azalea Park property, but on Old County Road.**

**IX. CONSENT CALENDAR**

- A. Approval of Council Meeting Minutes
    - 1. Minutes of January 14, 2002, regular Council Meeting
  - B. Acceptance of Parks and Recreation Commission Minutes
    - 1. Minutes of November 15, 2002, regular Commission Meeting
- (end Consent Calendar)

**Councilor Johns moved, Councilor Johns seconded, and the Council voted unanimously to approve the consent calendar as corrected (Page 2 of 6, Para 4 to read: ... Al Cook, a 102 year old citizen and veteran of WW-I and WW-II, just shy of his 103<sup>rd</sup> birthday and living through three centuries: 1899 thru 2002. and on Page 4 of 6, Para 3 correct "year" headings on Nature's Coastal Holiday Report for statistical comparison to read: 2001 and 2000, not 2002 and 2001)**

**XI. REMARKS FROM MAYOR AND COUNCILORS**

- A. Council

There were no further comments from Council.
- B. Mayor

Mayor Hagbom declared a recess at 8:15 p.m., to go into Executive Session, asking only Council, City Manager, and Administrative Secretary to remain, along with Scott Graves, media representative from the Curry Coastal Pilot who was instructed on the procedures and confidentiality of the session.

**EXECUTIVE SESSION - ORS 192.660 (a) (i) - Performance Evaluation of Public Officers and Employees**

Executive Session was called to order at 8:25 p.m.  
Performance Evaluation of City Manager proceeded.



Executive Session was adjourned at 8:36 p.m.

Mayor Hagbom reconvened the regular Council meeting at 8:37 p.m.

Mayor Hagbom stated Council had reviewed evaluations from all members for City Manager Blodgett and confirmed they felt he is doing an excellent job.

**Councilor Curry moved, Councilor Johns seconded, and the Council voted unanimously to approve a 5% salary increase for City Manager Leroy Blodgett, effective January 26, 2002.**

Councilor Dentino reported Special Projects Assistant Jeremy McVeety had attended an ODDA conference in Eugene last week.

City Manager Blodgett informed Council of the progress made by the Parks and Recreation Commission, describing a "truly actively involved commission", who has recently approved the University of Oregon to take on a project of creating a Parks Master Plan for the City of Brookings, spending a maximum of \$20,000. Special Projects Assistant Jeremy McVeety will be working with them, which should reduce even the total cost.

Mayor Hagbom commented on the excellent goal setting session.

**XII. ADJOURNMENT**

The meeting was adjourned at 8:40 p.m., with Council President Curry moving to adjourn and the Council verbally unanimously approving.

Respectfully submitted:

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Bob Hagbom  
Mayor

ATTEST by City Recorder this \_\_\_\_ day of February, 2002.

---

Sharon A. Ridens  
Interim City Recorder

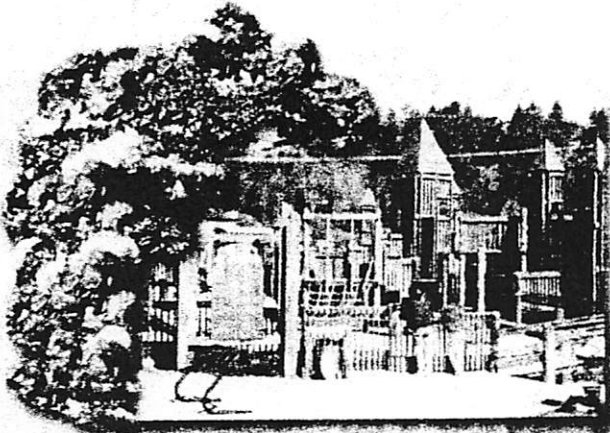
handed out  
@ 1-28-02  
cmty

Proposal

To Prepare The

# Town Center Master Plan

A planning effort that respects the community values of Pride, History, and Prosperity, and achieves the vision for Downtown Brookings



## Community Pride:

Azelea Park is one example of Brookings residents' commitment to community livability, civic pride, family, and environment

## History:

1914 Brookings Town Plan by Bernard Maybeck is of local, statewide, and national importance



## Prosperity:

Brookings is graced with a diverse economy of timber, agriculture, fishing, tourism, and high-tech industry

For The

# City of Brookings, Oregon

Submitted by:

RBF Consulting's Urban Design Studio



In Association with:

SPENCER & KUPPER







November 21, 2001

JN 10-101975

Mr. Leroy Blodgett, City Manager  
CITY OF BROOKINGS  
898 Elk Drive  
Brookings, OR 97415

**SUBJECT: PROPOSAL — TOWN CENTER MASTER PLAN**

Dear Mr. Blodgett:

RBF Consulting's Urban Design Studio, in association with Spencer & Kupper, is pleased to submit this Proposal for the preparation of the Brookings Town Center Master Plan.

We are thankful for this opportunity to submit our qualifications and work plan for the Town Center Master Plan. *Urban Design Studio* is a leader in the preparation of urban design, economic revitalization, and implementation plans and programs for small towns, downtowns, Main Streets, and aging commercial districts throughout the West. *Spencer & Kupper* has prepared numerous urban renewal plans, feasibility studies, and amendments for twenty five communities throughout Oregon, including the provision of renewal planning services to the following smaller communities over the past few years: Bandon, Phoenix, Klamath Falls, Sherwood, Woodburn, Canby, Sandy, Astoria, and Newberg. Together with the Brookings community, we believe we can serve in an instrumental role to help the community develop and embrace a Town Center Master Plan and Urban Renewal Plan Update.

While Urban Design Studio's office is located in southern California, we want the Brookings community to know that our team's perspectives, experience, and successes are not "southern California-oriented"; rather, we will bring to Brookings a full complement of capabilities based on our similar downtown planning experiences in communities throughout Washington, Idaho, Arizona, Nevada, California, and Oregon (including recent projects in Lincoln City, Roseburg, Medford, and Sandy). With Portland-based Spencer & Kupper as our team member, Brookings is assured a positive planning process. Our philosophy involves working closely with the citizens and stakeholders of communities to define and implement what they envision. We recognize that local ownership of projects is necessary for acceptance and success. Our team's planning processes are hands-on, and are sensitive to and incorporate the distinct elements that highlight each individual community; our design is economically rational and environmentally responsible; and our plans are practical.

We have developed a variety of unique and realistic methods to achieve a community's desired vision. Additionally, we have significant experience dealing with existing downtowns and also have experience developing new town centers/main street districts utilizing traditional and hybrid approaches. We fully understand urban renewal in Oregon, and will employ our team members' collective experience, successes, and lessons learned in more than 250 communities to the best of our abilities. As project manager, I am a Certified Main Street Manager, and have significant experience developing master design plans and architectural/design guidelines and standards in the Pacific Northwest. Charles Kupper, brings to Brookings dozens of urban renewal assignments and has prepared urban renewal plans and other studies throughout Oregon. We have worked in many communities, but we treat each one individually and do not utilize boilerplate approaches to solve problems and implement ideas.

PLANNING • DESIGN • CONSTRUCTION

14725 Alton Parkway, Irvine, CA 92618-2027 • P.O. Box 57057, Irvine, CA 92619-7057 • 949.855.5783 • Fax 949.837.4122

Offices located throughout California, Arizona & Nevada • UDS@rbf.com

printed on recycled paper

Our Team will provide Brookings with the comprehensive services, proven track record, and applied understanding of downtown and urban renewal issues needed to achieve City and community objectives in a timely and high quality manner. We are fully prepared to begin the project in January 2002 and desire to complete the project (i.e. adopt the Urban Renewal Plan) by August 2002 (to allow the City to take advantage of a January 2001 tax base). Through the enclosed Proposal, we hope you sense our enthusiasm about the opportunity to work with Brookings on its downtown revitalization and urban renewal activities. We are committed to quality, technically competent work, and are prepared to demonstrate our genuine interest in working with the Brookings community. If you have any questions or require further qualifications, please feel free to contact us.

Respectfully submitted,  
RBF CONSULTING'S URBAN DESIGN STUDIO



Al Zelinka, AICP, CSM  
Principal Community Planner

Enclosures



# I. UNDERSTANDING OF THE PROJECT

*Includes a brief narrative of the Urban Design Studio Team's understanding of the project.*

**The Time Is Right.** There are few opportunities in the course of life when a community can come together to focus on its current conditions and develop a plan for its future possibilities. The Brookings Town Center Master Plan project offers such an opportunity. Not since architect Bernard Maybeck was recruited by J.L. Brookings in 1913 to develop a town plan for a site at the mouth of the Chetco River has this significant of a planning project occurred along the southern Oregon coast.

The Brookings Town Center Master Plan project serves an important role in implementing the vision statement contained within the PROUD Study. In large measure, the master design plan, architectural/design standards, and 1990 Urban Renewal Plan update specified in the City of Brookings Request for Proposals will provide the "means" for achieving the desired "ends" articulated by the vision. Equally important, a high level of public involvement and ownership in the planning process is also essential for Brookings to realize the full potential of its 16-acre downtown area. To accomplish this charge, we have assembled the necessary team of professionals to embrace the Brookings Town Center Master Plan project with the seriousness, creativity, technical skills, experience, and enthusiasm required to maximize opportunity and implementation (team information is included in Section II).

**Our Team Understands.** The Urban Design Studio Team understands the increasing level of importance of downtown Brookings to the people who live, work, and visit the area. The Brookings community has invested significant time and resources to develop the PROUD Study and other downtown-related documents over the past decade – all in the name of expanding Town Center's role in serving local (as well as visitor) commercial and civic needs. Being true to the history of Brookings, the heritage of the community, and the authenticity of the place itself is paramount to achieving a master design plan and architectural/design standards that succeed.

The Urban Design Studio Team understands that the City of Brookings prepared an Urban Renewal Plan document in the early 1990's, but that plan was rejected by Brookings voters. Many of the objectives and activities of that plan may still be high priorities for Brookings. That plan, however, was prepared prior to the passage of Ballot Measure 50 in 1997. With Measure 50, much has changed in the urban renewal landscape. The shift of tax impact from the taxpayer to affected taxing bodies has introduced a new set of political and policy issues for the community adopting an urban renewal plan.

**We Are Committed.** Our Team's commitment to Brookings, as conveyed through the remainder of this proposal, is to help the community make desirable change occur in the downtown area; we recognize that every dollar spent and every person involved in the planning effort is a valuable resource. By submitting this proposal to the Brookings community, the Urban Design Studio Team submits its commitment to serving as an integral part of the effort, tools and solutions to revitalize the downtown core area.

## II. THE URBAN DESIGN STUDIO TEAM

*Includes team philosophy and general approach to downtown revitalization and urban renewal; structure of team member firms; overview and availability of personnel; and, relevant project experience.*

**TEAM STRUCTURE.** The team assembled for the Brookings Town Center Master Plan project consists of RBF Consulting's Urban Design Studio (UDS) and Spencer & Kupper – the *Urban Design Studio Team*. For the purposes of this project, the Urban Design Studio Team will be structured as follows:

- ❖ **Urban Design Studio** – Serves as the team leader and prime consultant, providing project management and overseeing development of the master design plan, preparation of the architectural design standards, and design-related public participation.
- ❖ **Spencer & Kupper** – Serves as a subcontractor to UDS and the lead consultant for updating the 1990 Urban Renewal Plan and facilitating related public involvement.

The team was assembled to address the needs of the Brookings Town Center Master Plan project, and to build on past relationships with other professionals. This 2-firm team will provide all the elements we think the planning effort requires, including: Urban Renewal Plan preparation, renewal financing, and project management; urban and architectural design; implementation strategies and developing alternative funding sources; highly effective public participation programs; and, strong graphic and illustrative capabilities.

**TEAM PHILOSOPHY.** *Urban Design Studio* — As our name indicates, urban design and town planning is at the heart of what we do. Urban Design Studio, a distinct division of RBF Consulting, is a collaboration of experienced urbanists and town planners dedicated to smart growth and proper stewardship of our towns and communities. UDS is an industry leader in working with small to mid-sized towns to address infill, mixed-use, waterfront and downtown environments. Working closely with municipal clients, UDS integrates town planning and design with rational and context-based approaches to architectural design, landscape architecture, economic development, transportation planning, public works engineering, and implementation. Our sound interdisciplinary practice is always coupled with a solid public participation approach — we believe in community-based town planning and design.

*Spencer & Kupper* — Spencer & Kupper focuses on public/private program planning and project management. Our practice, with a total of forty-five years combined experience, is aimed at carrying out both public and private projects. The firm's services include: redevelopment, urban renewal and program administration; public/private development strategies; program and project management; and, financing and implementation programs and strategies. The firm has prepared renewal plans, feasibility studies, and amendments for twenty five communities throughout Oregon. Our approach in every renewal plan we have done is to move the plan through a series of carefully planned steps built around public meetings or workshops with citizen groups, and elected officials. We believe that all citizen groups must be given ample opportunity to review, discuss, and provide input and direction to each key element of the plan.

**TEAM MEMBERS.** The team members for the Brookings Town Center Master Plan are all principals or senior members of their respective firms. The skills and expertise of the Urban Design Studio Team are very much aligned with the City of Brookings's objectives for the Town Center Master Plan project. Based on our understanding of the project, we have identified the following key team members to collaborate with the City and the Brookings community in the planning effort. *Each team member listed below has the time availability in project's time horizon, experience and abilities requisite to complete the tasks and products outlined in this proposal.*

#### *Urban Design Studio*

- ❖ **Al Zelinka, AICP, CMSM** — Project Management and Client Relations, Implementation Issues, Main Street Principles, Economic Development Opportunities, Parking and Circulation Strategies



- ❖ Susan Jackson, AICP — Public Participation, Implementation Issues, Pedestrianism, Land Use, Liaison with Downtown Development Committee, and Main Street Principles
- ❖ John Shetland — Architecture, Urban Design, Urban Form, Public Space, Architectural Design Guidelines, Streetscape, Renderings, CAD and GIS

*Spencer & Kupper*

- ❖ Charles Kupper — Urban Renewal Plan Update and Related Public Participation

*Team Member Biographies*

**Al Zelinka, CMSM, AICP — Principal Community Planner, Urban Design Studio.** Mr. Zelinka is a registered planner with the American Institute of Certified Planners, is a Certified Main Street Manager, has over eleven years of urban planning and design experience, and has developed his planning career to improve and revitalize neighborhoods, commercial districts and downtowns. His work with RBF Consulting's Urban Design Studio in urban design and planning has expanded to include a unique and important dimension of community livability: public safety through urban design, on which he has authored many publications, has co-authored a book for the American Planning Association entitled SafeScape: Creating Safer, More Livable Communities Through Planning and Design, and has made dozens of presentations to professional planners, law enforcement personnel, neighborhood leaders, planning commissioners, and elected officials. He is currently co-authoring an APA Planners Advisory Service Report with Susan Jackson, entitled *Placemaking On A Budget*. He has been a speaker for the Main Street Center, Urban Land Institute, American Planning Association, Congress for the New Urbanism, and numerous other organizations, and has instructed at Cal State Long Beach, Cal Poly Pomona, UC Irvine and UC Davis. Al has a Master of Regional Planning from Cornell University and a Bachelor of Science in Public Planning and Business Administration from Northern Arizona University. Al entered the planning profession to "make a difference" in communities, and continues to subscribe to this philosophy today.

**Susan Jackson, AICP — Principal Community Planner, Urban Design Studio.** Ms. Jackson has a broad background in community development and planning. Before joining Urban Design Studio, Ms. Jackson volunteered with the Peace Corps in Senegal, West Africa and with AmeriCorps. In Kansas City, Missouri, she led several neighborhood-based planning projects for a not-for-profit environmental organization involved in local sustainable development, transportation, and environmental justice. Ms. Jackson has also worked with the State of Arizona as a community planning specialist, providing technical planning support and assistance to Arizona's rural and tribal communities. With Urban Design Studio/RBF, Ms. Jackson is primarily involved in developing public participation programs and working on downtown and neighborhood revitalization projects. Ms. Jackson has been a speaker at the Governor's Rural Development Conference in Arizona, the Arizona Planning Association State Conference, and the national American Planning Association Conference. She is a registered planner with the American Institute of Certified Planners and a candidate for the National Main Street Center's Certified Main Street Manager. With Al Zelinka, she is currently co-authoring an APA Planners Advisory Service Report called *Placemaking On A Budget*. Susan has a Masters of Environmental Planning from Arizona State University, and Bachelor of Arts degrees in both Architectural Studies and Environmental Studies from the University of Kansas. Her passion continues has always been and continues to be to directly involve communities in protecting and improving their physical, natural, and social environments.

**John Shetland — Lead Urban Designer, Urban Design Studio.** With seven years of extensive urban design experience, Mr. Shetland focuses his practice on traditional town planning, public space design, architectural design guidance systems, streetscape enhancement, and revitalizing urban districts and small

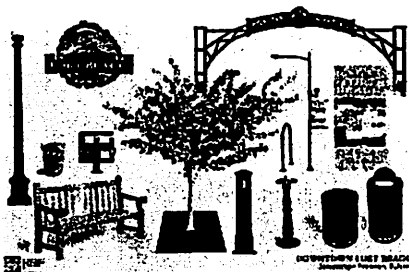


town downtowns. His practical approach to urban design emphasizes the human dimensions of space, while simultaneously seeking opportunities for community building and economic development through design. For all of his urban design projects, John spends significant time learning the needs of his clients and the public, as well as exploring the implications of each design element prior to making recommendations. He routinely contemplates scale, massing, architectural context, relationships between adjacent uses and activities, and the connection between the internal spaces of buildings and the public realm. John's successful urban design career is largely the result of his ability to convey complex urban design concepts to the public through hand drawn renderings, computer-generated before-and-after visual simulations, and high quality computer-aided plan graphics. Of most significance, he strives to ensure that the urban design recommendations he produces will result in strong community fabrics and more vital public realms. John has a B.S. in City and Regional Planning from California Polytechnic State University, San Luis Obispo, and received intensive training at The Seaside Institute on Traditional Town Planning and Design.

**Charles Kupper — Principal, Spencer & Kupper.** Charles Kupper's experience includes a broad range of work in both public and private sector development planning and management. His experience includes program management and project implementation, renewal and development planning, conducting financial analyses and developing financing and development strategies. Mr. Kupper joined with John Spencer to form Spencer & Kupper in 1986. Prior to that, Mr. Kupper served six years as director of renewal, housing, community and downtown development programs in Eugene, Oregon. During that period, renewal activities in downtown Eugene produced over \$50 million in public and private investment, including the nationally acclaimed Hult Center for the Performing Arts, a hotel and a public conference center. Mr. Kupper has undertaken dozens of urban renewal assignments, preparation of urban renewal plans, amendments and feasibility studies throughout Oregon. Mr. Kupper has prepared revenue projections and analyses for Official Statements for tax increment bond issues in Lake Oswego, Keizer, Astoria, Waldport, Wilsonville, Redmond, and Oregon City. Drawing upon his extensive public sector development experience, Mr. Kupper helps provide contract management services for development programs in Oregon City, Wilsonville, Keizer, Cottage Grove, Klamath Falls, Seaside, Canby and Astoria. His education includes: Bachelor of Science, University of Pennsylvania; Professional Seminars in Real Estate Development and Housing Development, Harvard Graduate School of Design.

**REPRESENTATIVE PROJECTS AND REFERENCES.** Urban Design Studio has provided town planning and design services to more than 150 small- and medium-sized communities throughout Washington, Oregon, Idaho, Arizona, Nevada, and California. This includes recent projects in Lincoln City, Roseburg, Sandy, and Medford. Spencer & Kupper has prepared over 25 urban renewal plans for Oregon communities. Following are three representative projects for each firm, along with contact information for references. More detailed project experience can be provided upon request.

#### *Urban Design Studio Projects and References*



#### **DOWNTOWN FORT BRAGG REVITALIZATION PLAN CITY OF FORT BRAGG, CALIFORNIA**

Urban Design Studio was selected to develop a downtown revitalization plan for Downtown Fort Bragg, an important place along the Mendocino Coast of northern California. Downtown Fort Bragg serves a central economic and civic role in the community, but is challenged by both the decline of the regional fishing and lumber industries and by redefining itself within the context of a

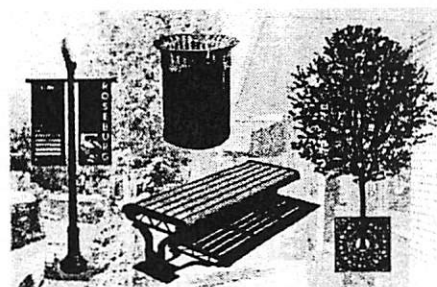


Client: City of Fort Bragg  
 Reference: Linda Ruffing,  
 Community Development  
 Director (707) 961-  
 2827



2000, Oregon Chapter, APA,  
 Professional Achievement in  
 Planning Award; Taft  
 Redevelopment Project

Client: Lincoln City Urban Renewal  
 Agency  
 Reference: Kurt Olsen, Director  
 (541) 996-1003



Client: City of Roseburg  
 Reference: Lance Colley, Finance  
 Director  
 (541) 672-7701

growing tourism and service-based economy. Through an intensive public participation program and close coordination with the community and City staff, UDS developed a consensus-based vision poster, streetscape furniture palette, parking and circulation plan, and implementation program.

## TAFT REDEVELOPMENT PLAN LINCOLN CITY, OREGON

Urban Design Studio was chosen by Lincoln City Urban Renewal to develop a revitalization plan and implementation strategy for the one of the City's many beach districts: Taft. A complex set of physical, environmental, economic, and social issues were addressed in the plan for the bayfront community, including downtown redevelopment, streetscape and urban design, traffic and circulation, beach access, wetland preservation, and housing. Through each step of the planning process, a concerted effort was made to include the community and youth. Additionally, the location of a state highway and numerous environmental assets resulted in a close and successful relationship between the City, ODOT, and DLCD. With tremendous community support, the Taft Redevelopment Plan and new zoning ordinance was formally embraced by the City Council almost immediately.

## ROSEBURG DOWNTOWN MASTER PLAN CITY OF ROSEBURG, OREGON

Roseburg, Oregon selected Urban Design Studio due to our personal approach to consensus-building and expertise in revitalizing downtowns and older commercial districts. Downtown Roseburg has a solid physical fabric, but is challenged by a regional economy in transition (from timber to tourism). Urban Design Studio was charged with creating a master plan for the downtown, which not only served as a catalyst for bringing vitality back to the city center, but also provided a focus for developing the regional economy and shaping a renewed identity for Douglas County. Through various levels of interaction with hundreds of community members, Urban Design Studio developed a Downtown Vision Plan and a Downtown Master Plan. The Master Plan includes a vision statement, design guidelines, recommended modifications to the City's zoning ordinance, and an implementation program that focuses on economic enhancement strategies, recommended programs and public improvements, and potential funding mechanisms.

## *Spencer & Kupper Projects and References*



*Client: City of Sherwood, Oregon  
Reference: Ross Shultz, City Manager  
(503) 625-4200*

### SHERWOOD URBAN RENEWAL PLAN AND SHERWOOD DOWNTOWN DESIGN PLAN

Spencer & Kupper prepared an urban renewal plan for Sherwood, focusing on design and development of downtown Sherwood. The firm prepared code revisions and other ordinances needed to implement design concepts. Also, the firm served as project manager and head of a multi-disciplinary consulting team to prepare a design, engineering, and economic and market analysis for the renewal area, and a larger study area. The renewal plan was adopted in November, 2000.



*Client: City of Salem Community  
Development Department  
Reference: John Russell,  
Redevelopment Program Supervisor  
(503) 588-6173*

### WEST SALEM URBAN RENEWAL PLAN SALEM RENEWAL AGENCY

Spencer & Kupper prepared an Urban Renewal Plan for the Edgewater District of the City of Salem. The Edgewater District of Salem had evolved its own industrial and commercial shopping area prior to incorporation into the City of Salem. The Renewal Plan was a component of a wide-ranging "town planning" effort for the Edgewater District. The Renewal Plan is a vehicle for implementing major recommendations of design and transportation studies of the district. The Renewal Plan, and an extensive citizen education and involvement process were coordinated with the transportation and design studies and involvement process. The Renewal Plan was adopted in August, 2001

### OTHER RELATED EXPERIENCE AND REFERENCES

*Client: City of Phoenix  
Reference: Denis Murray,  
Planning Director  
(541) 535-2050*

Mr. Kupper prepared an urban renewal feasibility study and financing plan for implementing a Downtown Design Plan for the City of Phoenix, Oregon. This TGM grant project was completed in June, 2001. The study effort received an outstanding rating by the City of Phoenix and ODOT staff.

*Client: City of Bandon  
Reference: Matt Winkle,  
City Manager  
(541) 347-2437*

Mr. Kupper has acted as consultant to the City of Bandon's Renewal Agency on its plan amendments implementing Ballot Measure 50 requirements. The most recent Plan amendments were in March, 2001.



# III. THE TOWN CENTER WORK PLAN

*Includes task-by-task approach, time schedule, and budget for the project. The Urban Renewal Plan Update process and the Town Center Master Plan process will be fully coordinated throughout the life of the project; for purposes of project management and clarity, we have identified separate tasks for each effort.*

The Urban Design Studio Team work plan that meets the intent of the Request for Proposal within the funding range. In keeping with the understanding of the request for proposals, the work scope below is presented in an abbreviated format. We present it in this manner to give the reviewers (i.e. Downtown Development Committee, et al) a clear understanding of the work and methodology proposed, without bogging reviewers down in pages of detail. In submitting this proposal, we assume that an opportunity will be provided to refine the work plan and schedule after consultant selection to better articulate deliverables, responsibilities, and assumptions. If there are any questions about details of the work plan as presented here, will be happy to respond to them, either verbally or in writing.

## PHASE I - UNDERSTANDING THE VISION

**Task 1.0 – REFINE SCOPE.** Prior to signing a final contract, the UDS Team would like to refine the following scope of work with the City to work out the finer details of the process (i.e. deliverables).

**Task 2.0 – INFORMATION REVIEW AND COMMUNITY IMMERSION PREPARATION.** The foundation for the public involvement process and activities will be constructed during this task.

***Subtask 2.1 - Review and Collect Existing Land Use, Planning, and Design Information and Data.***

Review all available plans, documents, and studies that affect the Brookings Town Center area and the urban renewal process. The City will provide UDS with pertinent documents at the local, regional, and state level, as well as any available digital maps and electronic data.

***Subtask 2.2 - Identify Interviewees and Focus Groups.*** To tap the knowledge and experience of Brookings community members and organizations, City staff will be asked to recommend and schedule participants for one-on-one interviews and focus groups for Tasks 3.4 and 3.5. Suggested invitees include City staff, elected and appointed officials, state and regional organizations, civic and business leaders, and neighborhood and special interest groups.

***Subtask 2.3 - Promotion and Outreach.*** Prepare an outreach strategy in concert with the City that may include media contacts, public notice procedures, flyers and pamphlets, and a project website.

**Task 3.0 – COMMUNITY IMMERSION WEEK.** UDS has suggested a Community Immersion approach based on our experience in small to medium size cities. The Community Immersion is a visually engaging, interactive, and collaborative series of public workshops, focus groups, field condition inventories, and design sessions that will have productive results for the Town Center vision. The Immersion and its design workshop will yield the groundwork for the schematic plan, design development, and final designs that will be provided by the UDS Team to the City of Brookings. It offers opportunities for friendly, informal discourse and debate among community citizens, and the process achieves workable visions and solutions for the downtown Town Center. Our five-day Immersion approach, presented in an abbreviated fashion below, offers unique opportunities for input and involvement - all of which are strategically developed and organized towards consensus building.

*(Day One) Subtask 3.1 - Staff Kick-Off Meeting.* Meet with City Staff (planning department and other department heads) to discuss the project and generally discuss what the City would like to see come about as part of this project.

*(Day One) Subtask 3.2 - Brookings Town Center Community Walks.* City-guided tour of the project area and surrounding community. The public may also be invited to join in the walks. UDS will pay particular note to unique features; land use; streetscape and public space opportunities; pedestrian, bicycle, and traffic calming opportunities and circulation alternatives; and view corridors.

*(Day One) Subtask 3.3 - Panel Discussion: What is Urban Renewal?* An informative panel (Oregon Urban Renewal Directors, Spencer & Kupper, UDS, etc.) to present and discuss the concepts and benefits of urban renewal to the local officials, city staff, Downtown Committee, and interested public.

*(Day Two) Subtask 3.4 - Conduct Individual Interviews.* Conduct 16 twenty-minute one-on-one interviews with individuals identified in Task 2.3.

*(Day Two) Subtask 3.5 - Facilitate Special Interest Focus Groups.* Hold four (4) special focus groups (i.e. economic development, transportation, the Maybeck Plan, etc.) to gain a full understanding of the opportunities and constraints as they relate to the Town Center.

*(Day Two) Subtask 3.6 - Kick-Off Meeting with Downtown Development Committee.* Meet with the Downtown Committee to discuss the project and their collective ideas and expectations.

*(Day Three) Subtask 3.7 - Community Design Workshop.* A three-to-four hour interactive public workshop will be held to develop present initial findings and observations, conduct a TownScan™ Community Image Survey (a presentation of approximately 130 - 150 slides (Power Point) shown to the audience to elicit their preferences on a variety of different design situations relevant to issues and concerns in the Town Center), and engage the participants in hands-on designing of the Town Center.

*(Day Four) Subtask 3.8 - UDS Design Team Work Day.* Further develop findings, preliminary graphic and narrative schematic plans, renderings, and concept alternatives.

*(Day Five) Subtask 3.9 - City Staff and Downtown Development Committee Presentation.* Review and comment on draft concept alternatives and preliminary design details at the end of the Community Immersion process. UDS would like direction on the preferred alternative.

*(Day Five) Subtask 3.10 - Public Presentation.* Present concept alternatives and design details to the community and local officials to receive further direction on the preferred alternative.

## PHASE II - DEVELOPING THE TOWN CENTER MASTER DESIGN PLAN AND URBAN RENEWAL PLAN

**Task 4.0 - DEVELOP PRELIMINARY VISION POSTER.** The poster represents the heart and soul of the Brookings Town Center Master Plan vision. The proposed size of the two-sided poster is to be 24" x 36" and will be done in full color (see original examples from Roseburg, Lincoln City, and Kennewick enclosed with the proposal). The front side will depict: proposed/conceptual buildings, master streetscape concept, proposed public spaces, proposed parking areas, proposed land uses or land use theme districts, and a vision statement. The second side of the poster will illustrate and describe: streetscape furniture palette, design and development standards, proposed bicycle, transit, and pedestrian circulation system and linkages, hand-rendered "before and after" images of the Brookings Town Center, renderings of important design details.

**Task 5.0 - THE URBAN RENEWAL PLAN PROCESS.** Spencer & Kupper's work scope for the Brookings Renewal Plan will include the following steps and components: create an Urban Renewal Citizens Committee (if appropriate); prepare and distribute background materials explaining the urban renewal and tax increment processes; and, develop an urban renewal plan and report, meeting all requirements of ORS 457.



**Subtask 5.1 - Citizen Involvement Meeting 1** – Provide written materials and presentations to familiarize the community with urban renewal and tax increment financing. Assist community in identifying a project area boundary that incorporates the Town Center area, and other opportunity areas that may be beneficial to the Renewal Plan, and City of Brookings goals. Review relevant City documents for list of preliminary goals and objectives and potential project activities for renewal plan.

**Subtask 5.2** - Identify existing conditions and blighting influences within the proposed boundary. Gather information on assessed values, tax bodies and tax rates. Begin preliminary evaluation of potential “tax foregone” impacts of plan. These can be undertaken during Design process.

**Subtask 5.3** - Work with City staff, elected officials, local real estate professionals, and other knowledgeable parties to develop information on potential new assessed value growth within the urban renewal boundary. Use this information as the basis for one or more projections of tax increment revenue over a 20-25 year projection period.

**Subtask 5.4 - Citizen Involvement Meeting 2** – Working in concert with the design plan process, develop a list of renewal project activities to carry out the design work, and implement renewal plan goals. This list of activities will be incorporated into the urban renewal plan document.

**Subtask 5.5** - Work with city staff and Urban Design Studio to produce cost estimates of activities proposed for urban renewal funding. Based upon this list of project costs and activities, and revenue estimates, establish a preliminary maximum indebtedness for the Plan.

**Subtask 5.6** - Utilizing estimates of value growth, and Assessor’s data, prepare an analysis of the tax impacts of carrying out the Renewal Plan.

**Subtask 5.7 - Citizen Involvement Meeting 3** – Public review, discussion, and comment on financial elements of the urban renewal plan. The community group will be given the estimates of project revenues, project costs, maximum debt, and an estimated timetable for funding and carrying out all projects in the renewal plan.

**Subtask 5.8 - Citizen Involvement Meeting 4** – Review of a draft Urban Renewal Plan and Report document with contents meeting all requirements of ORS 457. Final corrections of Plan and Report.

**Subtask 5.9** - Consultant preparation of required special notice, letters to affected taxing bodies, and draft of Ordinance adopting urban renewal plan.

**Subtask 5.10** - Presentation of Urban Renewal Plan maximum debt to County (City staff)

**Subtask 5.11** - Presentation of Urban Renewal Plan to City Planning Commission (City staff)

**Subtask 5.12 – Citizen Involvement Meeting 5** - Presentation of Urban Renewal Plan to City Council for adoption by end of August 2002 to take advantage of a January 2001 frozen tax base.

**Task 6.0 - COMMUNITY CONFIRMATION** *After fully documenting and developing the land use, urban design, and streetscape concepts, UDS will bring the draft vision plan to the community for confirmation to make sure the vision is accurately depicted and to continue to achieve consensus.*

**Subtask 6.1 - Staff Meeting.** Meet with City staff to thoroughly review the draft vision poster.

**Subtask 6.2 – Downtown Development Committee Meeting.** Meet with the Committee to present draft products for review and comment.

**Subtask 6.3 - Special Joint Workshop with Council and Planning Commission.** Hold a workshop with City Council and Planning Commission to present draft products for review and comment.

**Subtask 6.4 - Public Open House.** Organize and facilitate one community-wide “drop-in” open house to allow the public to review and comment on draft vision products and build additional consensus.

**Subtask 6.5 - Memorandum of Final Vision Poster Changes.** UDS will prepare and submit to the City a memorandum that identifies all changes to be made to the draft vision poster. We will expect a consolidated response to the memorandum from the City to direct final plan development.

## PHASE III: IMPLEMENTING THE PLANS

**Task 7.0 - DEVELOP FINAL VISION POSTER.** Incorporate the changes noted in the memorandum of final changes to the poster and present final poster to City.

**Task 8.0 - DEVELOP SUPPORTING NARRATIVE AND IMPLEMENTATION PLAN.** Although the crux of the Brookings Town Center Master Plan will be the vision poster, a narrative report is important part of articulating and implementing the plan.

**Task 8.1 - User's Guide to the Brookings Town Center Master Plan.** A User's Guide that will explain the plan, in layperson's terms, and will outline its the various components and the manner in which it should be used.

**Task 8.2 - Process Documentation and Background.** The plan background will be documented and the community-based process by which the vision was developed will also be described.

**Task 8.3 - Additional Vision Details.** Additionally, the narrative support report will be written to further explain the poster by providing those details unable to be adequately expressed on the poster.

**Task 8.4 - Implementation Program.** This section will identify in matrix format the "who", "what", "why", "where", "when", and "how" of implementation, highlighting implementation action steps, timing, leaders and team members, and potential funding resources.

## BROOKINGS TOWN CENTER MASTER PLAN SCHEDULE

Phase	Jan	Feb	Mar	April	May	June	July	Aug
Phase I – Understanding the Vision								
Phase II – Developing the Town Center Master Design Plan and Urban Renewal Plan								
Phase III – Implementing the Plan								

## BROOKINGS TOWN CENTER MASTER PLAN BUDGET

Phase	UDS	S&K	Budget
Phase I – Understanding the Vision	\$15,000.00	\$3,000.00	\$18,000.00
Phase II – Developing the Town Center Master Design Plan and Urban Renewal Plan	\$19,500.00	\$13,000.00	\$32,500.00
Phase III – Implementing the Plan	\$7,000.00	\$2,000.00	\$9,000.00
Subtotal	\$41,500.00	\$18,000.00	\$59,500.00
Reimbursables (15% of Budget)			\$10,500.00
Not-to-Exceed-Cost Proposal			\$70,000.00





RBF Consulting's Urban Design Studio  
14725 Alton Parkway  
Irvine, CA 92618  
(949) 855-5783

**CURRY COUNTY RECYCLING  
Annual Report 1/28/2002**

*handed out  
@ 1/28/02  
cc  
mity*

**I was appointed to the Curry County Recycling Committee in October 2001. I have been to three meetings, 10/30, 11/28/2001 and 01/28/2002.**

**I worked on the Watershed Plan Draft. We approved it at the 11/28 meeting, and sent it to the three cities and the county. It had to be adopted by 12/31/2001. Carla Smart presented us with the figures from the Fall Clean UP PROGRAM. Metal – 350 tons collected (450 cu yards) saving \$19,228 in disposal costs. Yard Waste – (450 cu yards) savings \$4,702 in disposal costs. She said there was not as much yard waste as in the spring. Pete Smart said that no word yet from DEQ concerning the Household Hazardous Waste Grant.**

**Members were asked if they were interested in combining the Solid Waste Committee with the Recycling Committee? Members present thought it would be a good idea. On January 8<sup>th</sup> 2002 the Board of Curry County Commissioners concluded that it would more efficient to combine the two committees. The combined committees shall be called Solid Waste Advisory Committee. Jerry Herbage spoke to us about changes to be made to Article Two. We will have other information next month.**

  
**Frances Johns**



**MINUTES  
BROOKINGS PLANNING COMMISSION  
REGULAR MEETING  
December 4, 2001**

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

Russ Fritz	Richard Gyuro	Jim Collis
Randy Gorman	Judi Krebs	Linda Barker, Secretary
Ted Freeman, Jr.	Vikki Nuss	John Bischoff, Planning Director

**CHAIRPERSON ANNOUNCEMENTS**

Chair Gyuro wished everyone Happy Holidays and congratulated Commissioner Collis for his son-in-law's election as the governor of Virginia.

**MINUTES**

By a 4-0 vote (motion: Commissioner Krebs, second: Commissioner Fritz; Commissioner Collis, Freeman and Nuss abstaining as they were not present at the November 6, 2001 meeting) the Planning Commission approved the minutes of the November 6, 2001, regular meeting as written.

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

None

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

None

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

1. By a 6-1 vote (motion: Commissioner Krebs, second: Commissioner Nuss; voting for: Commissioners Freeman, Krebs, Gyuro, Collis, Fritz, and Nuss; voting against: Commissioner Gorman) the Planning Commission approved (File No. SUB-6-01) a request for an 11-lot subdivision with lots ranging in size from 7,509 to 7,746 sq. ft.; located in the southeast corner of Dawson Road where it turns from an east/west alignment to a north/south alignment; zoned R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size); Douglas Purdy, applicant, Lloyd Matlock, representative.

Before the Public Hearing started all Commissioners declared ex parte contact due to a site visit. Commissioner Nuss stated she had read a letter to the editor published in the Curry Coastal Pilot December 1, 2001, about the application. Commissioner Krebs had

not seen the letter and the other Commissioners said they had also read it. This caused no bias. There was no challenge from the audience as to the jurisdiction of the Commission to hear this request.

This action was taken following questions or comments regarding the request from the following:

Lloyd Matlock	PO Box 8026	Brookings Oregon
Don Hoag	17156 Mountain Drive	Brookings Oregon
Richard Wilson	117 Tanbark Road	Brookings Oregon
Walter L. Battaglia	17304 Blueberry Lane	Brookings Oregon
Charles Stanton	17315 Holmes Drive	Brookings Oregon
Michael Freels	17332 Blueberry Drive	Brookings Oregon

The applicant waived his right to seven (7) additional days in which to submit written argument. The public hearing was closed at 8:25 p.m.

2. By a 6-1 vote (motion: Commissioner Krebs, second: Commissioner Nuss; voting for: Commissioners Nuss, Fritz, Gyuro, Freeman, Krebs, and Collis; voting against: Commissioner Gorman) the Planning Commission approved the Final ORDER and Findings of Fact for File No. SUB-6-01 as written.

Discussion ensued regarding the Dawson Road "S" curve and intersection with Hwy 101. It was agreed to add this item to the agenda for the next City Council/Planning Commission joint work-study session. Commissioner Krebs moved and Commissioner Nuss seconded a motion to bring a request to the City Council to authorize staff to investigate placing stop signs at the corner of Holmes Drive and Dawson Road and on Dawson Road going both north and south at its 90° turn. By roll call vote the motion passed unanimously.

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

None

#### **UNSCHEDULED PUBLIC APPEARANCES**

None

#### **REPORT OF THE CITIZENS ADVISORY COMMITTEE**

None

#### **MESSAGES AND PAPERS FROM THE CITY MANAGER**

None

#### **MESSAGES AND PAPERS FROM THE MAYOR**

None



The Commission recessed between 8:50 and 8:54 p.m.

## **REPORT OF THE PLANNING DIRECTOR**

Director Bischoff reminded the Commission about its Annual Report due to the City Council in January. December 18 was set for all Commissioners to get input to Chair Gyuro.

Commissioner Krebs moved, Commissioner Fritz seconded and by unanimous roll call vote the Commissioners added the election of next year's officers to the agenda. Commissioner Freeman nominated and Commissioner Krebs seconded Commissioner Gyuro for Chair. Nominations were closed and by unanimous vote Commissioner Gyuro was re-elected for his second term as Chair. Commissioner Freeman moved and Commissioner Nuss seconded the nomination of Commissioner Gorman as Vice-Chair. Nominations were closed and Commissioner Gorman won unanimous approval as Vice-Chair.

There were no questions on the Planning Director's Quarterly report which is attached and made a part of these minutes.

In response to Commissioner Freeman's inquiry, Director Bischoff reported the hearing for periodic review will be sometime in February, 2002. The Planning Commission will get a copy of the packet prepared for the hearing. Due to the workload generated by periodic review the DIA work-study session with the Council will be held after the holidays.

Also due to the extra work generated by periodic review, no follow-up has been done on the Verizon phone yard fencing. The Building Official has been in contact with the property owners behind the old Green Door Restaurant site. While it was reported they were refraining from further garage-like sales at the site several Commissioners had seen sales going on last week. Also noted for investigation was a travel trailer that appears to be lived in parked on Railroad Avenue. Staff will look into these items.

## **PROPOSITIONS AND REMARKS FROM COMMISSION MEMBERS**

Commissioner Krebs asked if, now that the Wastewater Treatment Plant upgrade is complete, the availability of sewer connections disclaimer was needed in our Final Orders. Director Bischoff has talked this over with other staff members and it was decided this was best left in so an applicant would not be left in a lurch if something unexpectedly changed.

Commissioner Krebs also asked that building sites on Lumberview Drive be checked to insure they each have six parking spaces.

Commissioner Nuss questioned if County Referrals could be done administratively by city staff since they are handled that way at the county level. After discussion no action was taken to change the present system.

**ADJOURNMENT**

There being no further business before the Planning Commission, the meeting adjourned at 9:10 p.m.

Respectfully submitted,

**BROOKINGS PLANNING COMMISSION**

A handwritten signature in cursive script, appearing to read "Richard Gyuro", is written over a horizontal line.

Richard Gyuro, Chair



Planning Directors Quarterly Report  
To The  
Planning Commission

1. Downtown Redevelopment. The city has taken the next step in the process of redeveloping the downtown core area of the city. A committee has been formed and in three meetings has prepared a Request for Proposals (RFP), which has been sent to a number of planning firms throughout the country. The successful applicant will prepare the master plan of development over the older core of the city's commercial area.
2. The skateboard park is underway and being constructed by "The Dream Team" who has had a great deal of experience building skateboard parks. The new park is located adjacent to the baseball field at the southwest corner of Hassett St. and Third St.
3. A portion of the couplet project has been added as a priority item on the list for the \$400,000,000 allocated for highway projects. This portion includes construction of the existing highway through town and will probably begin in 2004. The existing highway will become the northbound lanes of the couplet system. Funding for the south bound lanes, Railroad St., and the transitions from the existing highway will be a future project.
4. Improvements on Oak St. south of the highway have been completed and sidewalks now extend to Railroad St. and the street surface has been replaced.
5. Volley Ball courts have been installed at Azalea Park and the only remaining task is to place the sand in the courts.
6. The school district is completing a major upgrade of the drainage system under the high and middle school sites in preparation for new buildings. The drainage project involved closing both Easy St. and Fern Ave. at times.
7. The city has received plans for the new Kerr's Hardware Store.
8. South Coast Lumber has submitted preliminary plans for their new office building at the corner of Railroad Ave. and Mill Beach Rd.
9. Staff has been working on the remaining periodic review tasks in an attempt to have the city out of review by the end of the year. The major project left is to complete the required economic, social, environmental, and energy (ESEE) analysis of the withdrawing water from the Chetco River for future populations, as a part of the Public Facilities and Services Plan. An RFP was sent out and a firm has been selected to undertake this analysis. ODOT staff has reviewed the Transportation System Plan and once the city staff has review the changes by ODOT, it will be ready for adoption. Other tasks to be completed are updating the Comprehensive Plan with required changes by state law and all of the data developed for the Urban Growth Boundary expansion, Public Facilities Plan and Transportation Plan. This update is very near completion.
- 10.

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01/02	01/03/2002	42550	1284	Allied Electronics, Inc	10-00-2005	107.62
01/02	01/03/2002	42551	1618	Alta Behary	10-00-2005	8.66
01/02	01/03/2002	42552	146	Bay West Supply, Inc	10-00-2005	238.82
01/02	01/03/2002	42553	138	Becco, Inc	10-00-2005	168.80
01/02	01/03/2002	42554	148	B-H Chamber of Commerce	10-00-2005	1,856.72
01/02	01/03/2002	42555	1589	Bill Bloom	10-00-2005	28.12
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01/02	01/03/2002	42557	1429	Carl Suhr	10-00-2005	30.69
01/02	01/03/2002	42558	370	CCIS	10-00-2005	7,156.00
01/02	01/03/2002	42559	1613	Cindy L Crouch	10-00-2005	28.60
01/02	01/03/2002	42560	1611	Clark Jones	10-00-2005	1.13
01/02	01/03/2002	42561	820	CMI Business Systems	10-00-2005	107.94
01/02	01/03/2002	42562	182	Coos-Curry Electric	10-00-2005	12,703.03
01/02	01/03/2002	42563	195	Curry Transfer & Recycling	10-00-2005	676.10
01/02	01/03/2002	42564	284	Day-Wireless Systems	10-00-2005	398.60
01/02	01/03/2002	42565	196	DHR Child Support Unit	10-00-2005	203.08
01/02	01/03/2002	42566	250	DHR Child Support Unit	10-00-2005	278.31
01/02	01/03/2002	42567	498	Dictaphone Corp	10-00-2005	1,209.75
01/02	01/03/2002	42568	316	Donald & Roberta Chandler	10-00-2005	548.00
01/02	01/03/2002	42569	152	VOID - FedEx	10-00-2005	.00
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01/02	01/03/2002	42578	424	Munnel & Sherrill	10-00-2005	89.24
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01/02	01/03/2002	42580	1484	OR Dept of Justice	10-00-2005	266.77
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01/02	01/03/2002	42582	189	OR Teamster Employers Trust	10-00-2005	15,144.38
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01/02	01/03/2002	42585	252	Paramount Pest Control	10-00-2005	35.00
01/02	01/03/2002	42586	205	PERS Retirement	10-00-2005	10,105.96
01/02	01/03/2002	42587	322	Postmaster	10-00-2005	520.00
01/02	01/03/2002	42588	1193	PRN Data Services, Inc	10-00-2005	2,500.00
01/02	01/03/2002	42589	187	Quality Fast Lube & Oil	10-00-2005	25.95
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01/02	01/03/2002	42591	207	Quill Corporation	10-00-2005	450.86
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01/02	01/03/2002	42593	214	Regence Life & Health Ins	10-00-2005	233.20
01/02	01/03/2002	42594	1614	Richard Calkins	10-00-2005	14.19
01/02	01/03/2002	42595	199	Richard Harper	10-00-2005	300.00
01/02	01/03/2002	42596	517	Santiam Emergency Equipment	10-00-2005	986.75
01/02	01/03/2002	42597	1615	Steven Young	10-00-2005	9.07
01/02	01/03/2002	42598	213	Teamsters Local Union 223	10-00-2005	605.00
01/02	01/03/2002	42599	1565	The Pin Center	10-00-2005	552.00
01/02	01/03/2002	42600	142	Tidewater Contractors Inc	10-00-2005	65.62
01/02	01/03/2002	42601	821	Toshiba America Info Systems	10-00-2005	310.00
01/02	01/03/2002	42602	430	TSR Corporation	10-00-2005	412.50
01/02	01/03/2002	42603	295	Tsunami Computer Service	10-00-2005	19.95
01/02	01/03/2002	42604	136	United Pipe & Supply Co Inc	10-00-2005	110.00

M = Manual Check, V = Void Check



Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
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01/02	01/10/2002	42609	150	Any Time Coffee Service	10-00-2005	46.50
01/02	01/10/2002	42610	993	ATCO International	10-00-2005	122.70
01/02	01/10/2002	42611	138	Becco, Inc	10-00-2005	85.00
01/02	01/10/2002	42612		Information Only Check	10-00-2005	.00 V
01/02	01/10/2002	42613	110	Brookings Auto Parts	10-00-2005	227.18
01/02	01/10/2002	42614	541	Brookings Elks Lodge #1834	10-00-2005	52.00
01/02	01/10/2002	42615	710	Building Codes Division	10-00-2005	1,049.32
01/02	01/10/2002	42616	149	Carpenter Auto Center	10-00-2005	11.92
01/02	01/10/2002	42617	1373	Cascade Fire Equipment	10-00-2005	675.00
01/02	01/10/2002	42618	178	Chetco Pharmacy & Gift	10-00-2005	46.30
01/02	01/10/2002	42619	183	Colvin Oil Company	10-00-2005	1,136.91
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01/02	01/10/2002	42621	1620	Curry County Public Services	10-00-2005	50.00
01/02	01/10/2002	42622	173	Curry Equipment Company	10-00-2005	15.00
01/02	01/10/2002	42623		Information Only Check	10-00-2005	.00 V
01/02	01/10/2002	42624		Information Only Check	10-00-2005	.00 V
01/02	01/10/2002	42625		Information Only Check	10-00-2005	.00 V
01/02	01/10/2002	42626	166	Dan's Auto & Marine Electric	10-00-2005	1,019.49
01/02	01/10/2002	42627	130	Day-Timers Inc	10-00-2005	31.98
01/02	01/10/2002	42628	185	Del Cur Supply	10-00-2005	133.00
01/02	01/10/2002	42629	958	Delaney's Bakery	10-00-2005	14.75
01/02	01/10/2002	42630	152	FedEx	10-00-2005	42.61
01/02	01/10/2002	42631	153	Ferrellgas	10-00-2005	339.60
01/02	01/10/2002	42632	113	Fred Meyer	10-00-2005	300.00
01/02	01/10/2002	42633	338	GC Systems Inc	10-00-2005	172.22
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01/02	01/10/2002	42635	578	John Cowan	10-00-2005	51.00
01/02	01/10/2002	42636	1038	Julie Watson	10-00-2005	180.00
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01/02	01/10/2002	42646	121	Lane County RIS	10-00-2005	5,005.00
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01/02	01/10/2002	42648	583	Motor Vehicles Division	10-00-2005	13.00
01/02	01/10/2002	42649	424	Munnell & Sherrill	10-00-2005	70.96
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01/02	01/10/2002	42651	442	OCCMA	10-00-2005	126.87
01/02	01/10/2002	42652	374	OR Downtown Dev Assn	10-00-2005	18.00
01/02	01/10/2002	42653	1623	Oregon Chapter ABPA	10-00-2005	125.00
01/02	01/10/2002	42654	449	Oregon Mayors Association	10-00-2005	75.00
01/02	01/10/2002	42655	1564	Pacific Measurement & Control	10-00-2005	70.50
01/02	01/10/2002	42656	1193	PRN Data Services, Inc	10-00-2005	150.00
01/02	01/10/2002	42657	1029	Purchase Power	10-00-2005	1,019.00
01/02	01/10/2002	42658	180	Ray's Food Place	10-00-2005	53.27
01/02	01/10/2002	42659	1619	Sandra Curtis	10-00-2005	13.28
01/02	01/10/2002	42660	1622	The Holiday Inn Select	10-00-2005	63.13
01/02	01/10/2002	42661	697	The Mallory Company	10-00-2005	235.41

M = Manual Check, V = Void Check

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
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01/02	01/10/2002	42665	990	United Parcel Service	10-00-2005	19.86
01/02	01/10/2002	42666	944	Verizon	10-00-2005	2,441.28
01/02	01/10/2002	42667	414	WSR Enterprises	10-00-2005	78.18
01/02	01/10/2002	42668	253	Xerox Corporation	10-00-2005	70.00
01/02	01/18/2002	42669	897	A-1 Fire Protection	10-00-2005	35.00
01/02	01/18/2002	42670	167	American Sigma	10-00-2005	95.30
01/02	01/18/2002	42671	256	B & B Excavation	10-00-2005	137.50
01/02	01/18/2002	42672	1522	Blumenthal Uniforms	10-00-2005	417.30
01/02	01/18/2002	42673	1169	Brookings Electronic Service	10-00-2005	388.60
01/02	01/18/2002	42674	1567	Cal-Ore Life Flight	10-00-2005	50.00
01/02	01/18/2002	42675	1628	Carl & Marjorie Meritt	10-00-2005	34.87
01/02	01/18/2002	42676	1629	Connie L Anderson	10-00-2005	49.68
01/02	01/18/2002	42677	182	Coos-Curry Electric	10-00-2005	978.24
01/02	01/18/2002	42678	169	CTR - Roto Rooter	10-00-2005	67.20
01/02	01/18/2002	42679	389	Cummins Northwest	10-00-2005	300.00
01/02	01/18/2002	42680	195	Curry Transfer & Recycling	10-00-2005	98.11
01/02	01/18/2002	42681	326	Dave's Custom Canvas	10-00-2005	255.00
01/02	01/18/2002	42682	958	Delaney's Bakery	10-00-2005	45.00
01/02	01/18/2002	42683	318	Dennis Barlow	10-00-2005	280.62
01/02	01/18/2002	42684	196	DHR Child Support Unit	10-00-2005	203.08
01/02	01/18/2002	42685	250	DHR Child Support Unit	10-00-2005	278.31
01/02	01/18/2002	42686	1633	Elizabeth Forsythe	10-00-2005	5.37
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01/02	01/18/2002	42688	198	Grants Pass Water Lab	10-00-2005	133.00
01/02	01/18/2002	42689	1636	Harris Beach Properties	10-00-2005	10.53
01/02	01/18/2002	42690	131	HGE, Inc	10-00-2005	4,019.96
01/02	01/18/2002	42691	1630	James & Barbara Capon	10-00-2005	29.99
01/02	01/18/2002	42692	1627	Joe & Bette Mendola	10-00-2005	1.20
01/02	01/18/2002	42693	578	John Cowan	10-00-2005	60.00
01/02	01/18/2002	42694	1635	John Kiesling	10-00-2005	23.68
01/02	01/18/2002	42695	271	Larry Curry	10-00-2005	234.57
01/02	01/18/2002	42696	544	Legislative Counsel Committee	10-00-2005	319.00
01/02	01/18/2002	42697	328	Les Schwab Tire Company	10-00-2005	128.62
01/02	01/18/2002	42698	505	Mel Wallace	10-00-2005	27.01
01/02	01/18/2002	42699	1637	Michael & Brenda McEvoy	10-00-2005	22.75
01/02	01/18/2002	42700	102	MicroWarehouse	10-00-2005	2,786.95
01/02	01/18/2002	42701	155	Mory's	10-00-2005	446.64
01/02	01/18/2002	42702	911	Nancy Corrigan	10-00-2005	19.15
01/02	01/18/2002	42703	1330	Northwest Uniforms, Inc	10-00-2005	225.97
01/02	01/18/2002	42704	279	One Call Concepts, Inc	10-00-2005	24.30
01/02	01/18/2002	42705	910	OR Department of Justice	10-00-2005	115.38
01/02	01/18/2002	42706	1464	OR Dept of Justice	10-00-2005	266.77
01/02	01/18/2002	42707	205	PERS Retirement	10-00-2005	10,197.02
01/02	01/18/2002	42708	617	Printing Arts, Inc	10-00-2005	1,018.50
01/02	01/18/2002	42709	187	Quality Fast Lube & Oil	10-00-2005	28.00
01/02	01/18/2002	42710	207	Quill Corporation	10-00-2005	186.66
01/02	01/18/2002	42711	1218	Rick Dentino	10-00-2005	103.95
01/02	01/18/2002	42712	978	U.S. Bank	10-00-2005	3,234.64
01/02	01/18/2002	42713	136	United Pipe & Supply Co Inc	10-00-2005	521.40
01/02	01/18/2002	42714	991	Verizon Northwest	10-00-2005	1,448.04
01/02	01/18/2002	42715	861	Village Express Mail Center	10-00-2005	8.64
01/02	01/18/2002	42716	269	WW Grainger	10-00-2005	327.91
01/02	01/23/2002	42717	1399	W.C. Earhart Co, Inc	10-00-2005	529.49
01/02	01/24/2002	42718	1550	Academic & Scientific Supply	10-00-2005	165.00

M = Manual Check, V = Void Check



Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
01/02	01/24/2002	42719	1641	Allen Gordon	10-00-2005	21.35
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01/02	01/24/2002	42722	190	Bankcard Center	10-00-2005	506.28
01/02	01/24/2002	42723	146	Bay West Supply, Inc	10-00-2005	177.92
01/02	01/24/2002	42724	1458	Bob Schaefer	10-00-2005	60.00
01/02	01/24/2002	42725	192	Brown & Caldwell	10-00-2005	9,706.85
01/02	01/24/2002	42726	1628	Carl & Marjorie Meritt	10-00-2005	43.06
01/02	01/24/2002	42727	1644	Carol M McCarthy	10-00-2005	22.29
01/02	01/24/2002	42728	1373	Cascade Fire Equipment	10-00-2005	23.41
01/02	01/24/2002	42729	1643	Church of the Nazarene	10-00-2005	34.62
01/02	01/24/2002	42730	183	Colvin Oil Company	10-00-2005	1,251.01
01/02	01/24/2002	42731	182	Coos-Curry Electric	10-00-2005	2,167.70
01/02	01/24/2002	42732	389	Cummins Northwest	10-00-2005	213.35
01/02	01/24/2002	42733	318	Dennis Barlow	10-00-2005	128.67
01/02	01/24/2002	42734	826	Dept of Administrative Service	10-00-2005	6,895.00
01/02	01/24/2002	42735	1060	Dept of Administrative Service	10-00-2005	195.90
01/02	01/24/2002	42736	1640	Edward O Carroll	10-00-2005	32.28
01/02	01/24/2002	42737	105	First Impressions	10-00-2005	47.00
01/02	01/24/2002	42738	113	Fred Meyer	10-00-2005	118.80
01/02	01/24/2002	42739	1624	Highway Products	10-00-2005	478.75
01/02	01/24/2002	42740	1827	Joe & Bette Mendola	10-00-2005	44.89
01/02	01/24/2002	42741	1414	Kaman Industrial Technologies	10-00-2005	38.39
01/02	01/24/2002	42742	1642	Karen Kim & Laveme Mueske	10-00-2005	10.44
01/02	01/24/2002	42743	1547	Lonnie Draheim	10-00-2005	45.00
01/02	01/24/2002	42744	679	McCourt Floor Coverings	10-00-2005	325.00
01/02	01/24/2002	42745	339	Mike Cooper	10-00-2005	151.80
01/02	01/24/2002	42746	1639	Notary Law Institute	10-00-2005	26.00
01/02	01/24/2002	42747	293	Petty Cash	10-00-2005	122.43
01/02	01/24/2002	42748	142	Tidewater Contractors Inc	10-00-2005	234.84
01/02	01/24/2002	42749	268	US Filter Company	10-00-2005	104.00
Totals:						<u>147,856.05</u>

## BUILDING DEPARTMENT ACTIVITIES SUMMARY

For Month of January, 2002

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
2	Single Family Dwelling	\$1,213.50	\$788.78	\$0.00	\$8,934.00	\$338,019.00	2	\$338,019.00	3	\$590,141.00
2	Single Family Addition	\$203.00	\$131.95	\$14.21	\$0.00	\$26,700.00	2	\$26,700.00	1	\$6,000.00
1	Single Family Garage-Carport	\$44.50	\$28.93	\$3.12	\$0.00	\$3,998.40	1	\$3,998.40	2	\$12,276.80
0	Two Family Residential	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	Multi-Family Residential Apts	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	Commercial New	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	Commercial Addition-Change	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	Churches	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	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
1	Misc.-Retaining Wall-Fence	\$86.50	\$56.23	\$6.06	\$0.00	\$10,900.00	1	\$10,900.00	0	\$0.00
6	Total Building Permits	\$1,547.50	\$1,005.89	\$108.33	\$8,934.00	\$379,617.40	6	\$379,617.40	6	\$608,417.80
3	Mechanical Permits	\$70.80	N/A	\$4.96	N/A	N/A	3	N/A		N/A
2	Plumbing Permits	\$95.20	N/A	\$6.66	\$0.00	N/A	2	N/A		N/A
0	Manufactured Home Permits	\$0.00	N/A	\$0.00	\$0.00	N/A	0	N/A		N/A
11	TOTAL PERMITS	\$1,713.50	\$1,005.89	\$119.95	\$8,934.00	\$379,617.40	11	\$379,617.40	6	\$608,417.80
	Total Year to Date Calculated Fees	\$1,713.50	\$1,005.89	\$119.95	\$8,934.00					
	2001 YTD Calculated Fees	\$2,710.85	\$1,426.11	\$189.76	\$17,868.00					

DEQ has lifted the requirement to report EDUs connected to the Brookings Wastewater System. We will continue to report monthly EDUs issued for Brookings and Harbor Harbor-6.  
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