

AGENDA

City of Brookings

Council and Planning Commission Work-Session at 5:30 p.m.
and Common Council Meeting at 7:00 p.m.
City Hall Council Chambers

898 Elk Drive

Brookings, OR

April 22, 2002



Brookings' winter flowers
will be filling many a May basket
for our citizens on
May Day ~ May 1, 2002

Enjoy!

CITY OF BROOKINGS EVENTS CALENDAR

April 2002						
S	M	T	W	T	F	S
28	29	30	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<p>9:30am CC-VIPS/Volunteers in Police Service/Bpalld (Fire Hall)</p> <p>7:00pm FH-FireTrng/CnShip (Fire Hall)</p>	<p>9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)</p> <p>7:00pm CC-Planning Commssn</p>	<p>12:00pm Comnity Agendes mtg (Chetco Sr.Center)</p> <p>2:00pm CC-Planning Dept Mtg/JBischoff</p> <p>7:00pm FH-PoliceReserves</p>	<p>8:15am CC-CmtyDevDpt Staff mtg/Llghtde</p> <p>9:00am CC-Crime Stoppers Mtg/Lauralee Gray</p> <p>10:00am CC-Site Plan Com</p> <p>7:00pm CC-Urban Renewal Plan - Public Workshopo (Boundaries/Goals)/LBldgett</p>	<p>8:30am CC-Harbor Hills Planning Dept Mtg/JBischoff</p>	<p>8:15am CC-CmtyDevDpt Staff mtg/Llghtde</p> <p>9:00am CC-Crime Stoppers Mtg/Lauralee Gray</p> <p>10:00am CC-Site Plan Com</p> <p>7:00pm CC-Urban Renewal Plan - Public Workshopo (Boundaries/Goals)/LBldgett</p>	<p>8:30am CC-Subdivision Mtg/JBischoff</p> <p>1:30pm FH-Subdivision Mtg/JBischoff</p>
<p>6:00pm CC-Council Mtg & Ethics Work-Session</p> <p>7:00pm FH-FireTrng/CnShip (Fire Hall)</p> <p>3:00pm CC-HOPE Mtg/ Councilor Lorraine Kuhn</p> <p>9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)</p> <p>2:30pm FH-SafetyComMtg/HTHmpson</p> <p>8:15am CC-CmtyDevDpt Staff mtg/Llghtde</p> <p>10:00am CC-Site Plan Com</p> <p>3:00pm CC-American Music Festival Board Mtg</p>	<p>9:00am CC-Municipal Court/JdgHarper</p> <p>9:30am CC-VIPS/Volunteers in Police Service-Bpalld</p> <p>6:00pm CC-American Red Cross Mtg/DJohnson-412-8407</p> <p>7:00pm FH-FireTrng/CnShip (Fire Hall)</p>	<p>9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)</p> <p>1:30pm CC-Planning Dept Mtg w/AJohnson & H.Lee-TSP/JBischoff</p>	<p>6:00pm FH-Subdn Fire Dist Mtg/RexAtwell</p>	<p>8:15am CC-CmtyDevDpt Staff mtg/Llghtde</p> <p>10:00am CC-Site Plan Com</p> <p>2:00pm CC-CEP (Citizens for Emergency Preparedness): Marrell-469-5731, JRupert-469-78783</p>	<p>6:00pm CC-ROTA/BPalld</p>	<p>8:00am Community Prde Partnership: Yard & Debris Week April 15 ~ 19</p>
<p>7:00pm FH-FireTrng/CnShip (Fire Hall)</p> <p>7:00pm CC-Council Mtg</p>	<p>9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)</p> <p>7:00pm CC-Budget Committee Meeting/Finance Dir. PHughes</p>	<p>8:15am CC-CmtyDevDpt Staff mtg/Llghtde</p> <p>10:00am CC-Site Plan Com</p> <p>7:00pm CC-Parks & Rec Comm/ Mtg/Lauralee Gray</p> <p>7:00pm LBldgett</p>	<p>8:00am Community Prde Partnership: Windage Creek Transfer Sta-Metal & Yard Trimmings 10am to 5pm</p>	<p>8:00am Community Prde Partnership: Garage Sale Saturday</p>		

CITY OF BROOKINGS EVENTS CALENDAR

Council Chambers and Fire Hall Use

May 2002

May 2002							June 2002						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30						

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			May 1 12:00pm Community Agencies mtg (Chetco Sr. Center) 7:00pm CC-Skate Park Committee Meeting 7:00pm FH-PoliceReserves	2 8:15am CC-CntyDevOpt Staff mtg/LUlightle 9:00am CC-Crime Stoppers 10:00am CC- Site Plan Com Mtg/Lauralee Gray 3:30pm CC-American Music Festival Board Mtg/SRudens	3	
5 9:30am CC-VIPS/Volunteers in Police Service/8Palidd 7:00pm FH-FireTng/ChShrp (Fire Hall)	6 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 6:00pm CC-Joint City Council & Planning Commission Workshop regarding Town Center Master Plan 7:00pm CC-Planning Commssn	7 9:00am CC-Urban Design Studio meet w/City Staff re: TownCenter Master Plan 12:00pm CC-Set up time for Urban Design Studios for Public Workshop/Open House at 2:30pm FH-SafetyCommMtg/ HT 5:00pm FH-Dwrtm Dev Com Mtg 7:00pm CC-Cmnty Public Workshop re: Brookings Town Center	8 9:00am CC-Urban Design Studio meet w/City Staff re: TownCenter Master Plan 12:00pm CC-Set up time for Urban Design Studios for Public Workshop/Open House at 2:30pm FH-SafetyCommMtg/ HT 5:00pm FH-Dwrtm Dev Com Mtg 7:00pm CC-Cmnty Public Workshop re: Brookings Town Center	9 8:15am CC-CntyDevOpt Staff mtg/LUlightle 10:00am CC- Site Plan Com Mtg/Lauralee Gray 7:00pm CC-Urban Renewal Plan - Public Workshop (Proj.Activities)/LBlodgett	10	11
12 7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	13 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 3:00pm CC-HOPE Mtg/ Councilor Lorraine Kuhn	14 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 3:00pm CC-HOPE Mtg/ Councilor Lorraine Kuhn	15 11:00am CC-Law Enforcement Day Memorial Service 6:00pm FH-Subron Fire Dist Mtg/RevAtwell	16 8:15am CC-CntyDevOpt Staff mtg/LUlightle 10:00am CC- Site Plan Com Mtg/Lauralee Gray	17	18
19 9:00am CC-Municipal Court/ JdgHarper 9:30am CC-VIPS/Volunteers in Police Service/8Palidd 6:00pm CC-American Red Cross Mtg/DJohnson-412-8407 7:00pm FH-FireTng/ChShrp (Fire Hall)	20 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	21 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	22 8:15am CC-CntyDevOpt Staff mtg/LUlightle 10:00am CC- Site Plan Com Mtg/Lauralee Gray 7:00pm CC-Parks & Rec Comm/ LBlodgett	23	24	25
26 City Hall CLOSED - Memorial Day Holid 7:00pm FH-FireTng/ChShrp (Fire Hall)	27 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 7:00pm CC-Urban Renewal Plan - Public Workshop (Costs, Review, Tax Impacts)	28	29 8:15am CC-CntyDevOpt Staff mtg/LUlightle 10:00am CC- Site Plan Com Mtg/Lauralee Gray 6:30pm CC-Seabelt Class-PO/8Palidd	30	31	

COPY TO: Council Chambers, Fire Hall, Police Dispatch; Orig-SR

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

REVISED: 4/18/2002, 8:54 AM

CITY OF BROOKINGS EVENTS CALENDAR

Council Chambers and Fire Hall Use

June 2002

June 2002

July 2002

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

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	9:30am CC- VIPS/Volunteers in Police Service/BPalicki 7:00pm FH-FireTng/ChShrp (Fire Hall)	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 7:00pm CC-Planning Commission	12:00pm Community Agendas mtg (Cheico Sr.Center) 7:00pm FH-PoliceReserves	8:15am CC-CmyDevOpt Staff mtg/LLightle 9:00am CC-Chine Stoppers 10:00am CC- Site Plan Com Mtg/LauraLee Gray		
1:00pm AMF Free Summer Concert 2002: "Just in Time" an 18 piece Jazz & Big Band Sound/Mike Shepherd at Azalea Park	7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 3:00pm CC-HOPE Mtg/ Councilor Lorraine Kuhn	2:30pm FH-SafetyCom/Mtg HTThompson	8:15am CC-CmyDevOpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray		
	9:00am CC-Municipal Courty JdgHarper 9:30am CC-VIPS/Volunteers in Police Service-BPalicki 6:00pm CC-American Red Cross Mtg/DJohnson-412-9407 7:00pm FH-FireTng/ChShrp (Fire Hall)	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	6:00pm FH-Subron Fire Dist Mtg/RexAtwell	8:15am CC-CmyDevOpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray		
1:00pm AMF Free Summer Concert 2002: Barber Shop Quartets at Azalea Park	6:00pm CC-Urban Renewal Plan - Review Draft of Renewal Plan & Report w/City Council 7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	6:00pm CC-Victim's Impact Panel (247-2412) Curry Prevention Services/M Laird	8:15am CC-CmyDevOpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Parks & Rec Comm/ LBlodgett		

COPY TO: Council Chambers, Fire Hall, Police Dispatch; Orig-SR

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

REVISED: 4/18/2002, 8:54 AM

CITY OF BROOKINGS EVENTS CALENDAR

Council Chambers and Fire Hall Use

July 2002

		July 2002							August 2002						
		S	M	T	W	T	F	S	S	M	T	W	T	F	S
		1	2	3	4	5	6	7	4	5	6	7	8	9	10
		8	9	10	11	12	13	14	11	12	13	14	15	16	17
		15	16	17	18	19	20	21	18	19	20	21	22	23	24
		22	23	24	25	26	27	28	25	26	27	28	29	30	31
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday									
	9:30am CC-VIPS/Volunteers in Police Service/BPallid 7:00pm FH-FireTng/ChShrp (Fire Hall)	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 7:00pm CC-Planning Commission & Plan Review of Urban Renewal Plan(Plan Review MAY BE rescheduled)	12:00pm Community Agencies mtg (Chetoo Sr.Center) 7:00pm FH-PoliceReserves	City Hall CLOSED - 4th of July Holiday 8:15am CC-CntyDevOpt Staff mtg/LLightie 9:00am CC-Crime Stoppers 10:00am CC- Site Plan Com Mtg/LauraLee Gray											
	7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 3:00pm CC-HOPE Mtg/ Councilor Lorraine Kuhn	2:30pm FH-SafetyCommMtg/ HTompson	8:15am CC-CntyDevOpt Staff mtg/LLightie 10:00am CC- Site Plan Com Mtg/LauraLee Gray											
1:00pm AMF Free Summer Concert 2002: Oregon Lab Band at Azalea Park	9:00am CC-Municipal Court/ JdgHarper 9:30am CC-VIPS/Volunteers in Police Service-BPallid 6:00pm CC-American Red Cross Mtg/DJohnson-412-8407 7:00pm FH-FireTng/ChShrp (Fire Hall)	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	6:00pm FH-Subron Fire Dist Mtg/RexAbweil	8:15am CC-CntyDevOpt Staff mtg/LLightie 10:00am CC- Site Plan Com Mtg/LauraLee Gray 2:00pm CC-CEP (Citizens for Emergency Preparedness): MARtel-469-5731, JRupert-469-78783											
	7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	6:30pm CC-Seatbelt Class-PD/BPallid	8:15am CC-CntyDevOpt Staff mtg/LLightie 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Parks & Rec Comm/ LBodgett											
1:00pm AMF Free Summer Concert 2002: Catshun at Azalea Park	7:00pm FH-FireTng/ChShrp (Fire Hall)	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)													

agenda

CITY OF BROOKINGS

Council and Planning Commission Work-Session at 5:30 p.m. and

COMMON COUNCIL MEETING at 7:00 p.m.

Brookings City Hall Council Chambers

898 Elk Drive, Brookings, Oregon

April 22, 2002

5:30 p.m.

City Council and Planning Commission Work
Topic – Deferred Improvement Agreements

7:00 p.m.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

A. Announcements

1. Proclamations

a. Elks National Youth Week - May 5 ~ 11, 2002

b. Law Enforcement Week - May 13 ~ 19, 2002

c. Law Enforcement Day – May 15, 2002

2. Special Recognition to Judy Krebs - Thank you for service on Planning Commission

3. Special Recognition to Richard Gyuro - Thank you for service on Planning Commission

4. Resignation of Budget Committee member L. Lee Rogers

B. Appointments

1. Parks & Recreation Commission Pos. #7, Effective: Immediately, 4-year term expires February 1, 2006
2. Planning Commission Pos. #6, Effective: Immediately, 4-year term expires April 1, 2005

V. PUBLIC HEARING

- A. In the matter of Planning Commission File No. VAC-1-02, application for approval of right-of-way vacation of the southerly most 55± feet of Truman Lane; located at the southerly end of Truman Lane that is surrounded on three sides by Tax Lot 6200; zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size), Paul Sherman, applicant
- B. In the matter of Planning Commission File No. ANX-1-02, application for approval of an annexation of a 5.78 acre parcel of land consisting of 4 lots located on the west side of Parkview Drive approximately 220 feet north of Hampton Road and adjacent to the easterly boundary of Harris Beach State Park, which forms the city limits; zoned County R-1 (Residential-One); Mike Mahar, Ken and Melody Gossard, and Ben Murray Applicants; Jim Capp, Western Land Use Services, representative
- C. In the matter of Planning Commission File No. APP-1-02, an appeal of the Planning Commission's approval of a subdivision to divide a 1.86-acre parent parcel into ten lots with an average lot size of 6,122 sq. ft and including the extension of Weaver Lane; located on the north end of Weaver Lane approximately 380 feet north of Hassett Street; zoned R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size); Gay and Valnora Weaver, applicants; John Babin, representative. This is a quasi-judicial hearing.

VI. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

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

VII. STAFF REPORTS

A. City Manager

1. Closure of lower part of Old County Road for middle school class downhill racing project.
2. Second Street Bud Cross Park entrance closure
3. Other

VIII. CONSENT CALENDAR

A. Approval of Council Meeting Minutes

1. Minutes of April 8, 2002, Regular Council Meeting
(end Consent Calendar)

IX. ORDINANCES/RESOLUTIONS/FINAL ORDERS

A. Final Orders

1. Final Order and Findings of Fact in the matter of Planning Commission File No. VAC-1-02; application for approval of a right-of-way vacation, Paul Sherman, applicant
2. Final Order and Findings of Fact in the matter of Planning Commission File No. ANX-1-02; application for approval of an annexation, Mike Mahar, Ken and Melody Gossard, and Ben Murray applicants
3. Final Order and Findings of Fact in the matter of Planning Commission File No. APP-1-02; an appeal of the Planning Commission's approval of a subdivision to divide a parcel into ten lots, including extension of Weaver Lane; Gay and Valnora Weaver, applicants; John Babin, representative.

B. Ordinances

1. No. 02-O-545 – in the matter of vacating the southerly most 55± feet of Truman Lane as described in attached Exhibit A

2. No. 02-O-546 – in the matter of amending the city limits and zoning map of the City of Brookings by annexing a 5.78 acre parcel of land and rezoning the parcel R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) on that certain property described

X. REMARKS FROM MAYOR AND COUNCILORS

A. Council

B. Mayor

XI. ADJOURNMENT



Staff Report

To: City Councilors & Planning Commissioners
From: Mayor Bob Hagbom *BH/ar*
Date: April 18, 2002
Re: Safety Concerns

As you know, there is and has been for many years much concern about the lack of sidewalks and open ditches along Pioneer, Pacific and Hassett Streets near the school. I share the concern of safety for the children in that area walking to and from school. It is time for us to take action. Although, all three streets need improvements, I believe the highest priority should be given to Pioneer Street. Some new developments on Pioneer have installed sidewalks, only leading into an open ditch or abruptly ending at either end. This may have caused an already serious problem to become even worse. Some of the properties without improvements have signed Deferred Improvement Agreements, but calling them in without improving the entire street will not solve the problem.

I asked our City Manager to look into funding options to improve those streets, to concentrate mostly on Pioneer. For the purpose of discussing this subject, staff estimated the full improvement of Pioneer Street from Easy Street to Hassett Street to cost approximately \$200,000.

City Manager Blodgett contacted the Oregon Department of Transportation (ODOT) to see if there were any State funds available for this type of project. A representative of ODOT told him in approximately 3 months they would begin accepting grant applications for pedestrian and bicycle pathways. This includes sidewalks and gives special consideration for areas leading to and from schools. As is with most grants, the more matching funds the more likely it is to receive grant money.

The City has limited funds set aside for street improvements. Together with City funds, possible State grants, calling in DIA's and possibly a Local Improvement District, the needed improvements can be made to these streets.

SUMMARY

Unless there is opposition from the Planning Commission or City Council, I will continue working with City staff to explore options for improving these streets as soon as possible with special emphasis on Pioneer.



Staff Report

To: Mayor Hagbom, City Councilors & Planning Commissioners
From: Leroy Blodgett, City Manager *LB/br*
Date: April 18, 2002
Re: Deferred Improvement Agreements

BACKGROUND

Confusion continues to surround the issue of when, or even if, to issue Deferred Improvement Agreements (DIA's) for new development. In years past DIA's were commonly issued for residential developments on existing streets within the City. Currently, staff issues or recommends DIA's only when there is an unusual circumstance such as an improvement scheduled in the near future (i.e. Railroad Street), topography or some other physical obstruction preventing construction of improvements, development on streets where the future elevation is unknown, or development on streets that will not have any improvements in the foreseeable future (i.e. Blueberry in Dawson tract). We have never taken the approach to not allow a DIA regardless of the circumstances, but that too is an option. And, there are surely other options too. Regardless of the approach taken there are pros and cons to each as indicated below.

First it should be pointed out that when we talk about development we are referring to development of individual lots on existing streets. Subdivisions, new streets and commercial development are and always have been required to make improvements at the time of development.

WITHOUT DIA's

- Sidewalks, curbs and gutters are installed as part of the initial development.
- Cost to the property owner can be incorporated in their mortgage.
- City does not have to record, track or "call-in" the DIA.
- Sidewalks are often installed sporadically along streets and could be a number of years before connecting sidewalks are installed.
- If development standards change we are stuck with what was built or may need to replace it, at City expense, when other improvements are made.

- When public improvements are made as part of an individual development it often does not include improvement to the existing asphalt street and when, or if, a Local Improvement District (LID) is proposed it would probably include additional street improvements. Those property owners where improvements were installed when developed are unlikely to support a LID.

WITH DIA'S

- City is in an unpopular position of having to "call-in" DIA's long after the original owner built the home.
- The entire street can be designed and full improvements made without the limitation of existing improvements.

Pioneer Street is good example to use when looking at the good and bad of issuing or not issuing DIA's. The street has some improvements that have been made where DIA's were not allowed. It has at least 10 lots with existing DIA's and some lots with nothing. The street is in dire need of curbs, gutters, sidewalks, storm drainage and asphalt overlay or rebuild from Easy to Hassett.

If an LID was initiated on Pioneer, those property owners that have installed improvements are unlikely to agree to share the cost of additional improvements. Those that do have DIA's will not want to do any more than those that already made improvements. And, those with nothing would need to agree to the assessment for full improvements. Also, when the sidewalks were installed on the street it was assumed there would eventually be full 36-foot street with on-street parking on both sides. This limits the possibility of now designing a narrower street or wider sidewalks. Either way, the options are now limited due to the improvements already made. In this case it may have been better to issue DIA's and/or waivers of objection to an LID.

SUMMARY

As you can see this is not an easy issue to resolve. It is not always clear what is best. And, I don't believe there is any one perfect answer to the simple question as to when or if DIA's should be issued. However, it is crucial that we are consistent in whatever we do. Therefore, I am going to go out on a limb and make the following recommendation.

STAFF RECOMMENDATION

Staff recommendation is to adopt a policy, to be followed by City Council, Planning Commission and City staff, to not issue any future DIA's and public improvements be constructed at the time of development unless there is an unusual circumstance that is beyond the developer's control. DIA's should only be issued by approval of the Planning Commission and all requests for DIA's should be accompanied by a staff report and staff recommendation.

DEFERRED IMPROVEMENT AGREEMENT

Property identification: Assessor's Map _____, Tax Lot _____

Book of Records / Instrument # _____ Pg. _____

This agreement between the CITY OF BROOKINGS, hereinafter referred to as "City", and

hereinafter referred to as "Owner".

WHEREAS, Owner desired to develop the property described above but wishes to defer construction of permanent improvements beyond the time limits otherwise required, and City agrees to such deferment provided Owner agrees to construct improvements as herein provided, NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

I. AGREEMENT BINDING ON SUCCESSORS IN INTEREST

This agreement is an instrument affecting the title and possession of the real property described in above all the terms and conditions herein imposed shall run with the land and shall be binding upon and inure to the benefit of the successors in interest of Owner. Upon any sale or division of the property described in above, the terms of this agreement shall apply separately to each parcel and the owner of each parcel shall succeed to the obligations imposed on Owner by this agreement.

II. NATURE OF OBLIGATION

- A. City and Owner agree that the improvements set forth in this section may be deferred because immediate installation of such improvements is not deemed practical at this time due to the project's incremental relationship to the intended holistic design function of said improvements.
- B. Owner agrees to the following improvements in the manner set forth in this agreement:
 - 1. In compliance with all requirements of the Land Development Code as applicable to new development requiring development permit approval.
- C. When the City Manager, or his designate, determines that the reason(s) for the deferment no longer exist(s), he shall notify Owner, in writing, of terms for performance of the work. The notice shall be mailed to the current owner or owners of the land as shown on the latest adopted county assessment roll. All or any portion of said improvement may be required at a specified time. Each Owner shall participate on a pro rata basis of the cost of installation of the improvements.

III. PERFORMANCE OF THE WORK

Owner agrees to the performance of the work deferred hereby, by conformance with one of the following options:

- A. **WORK PERFORMED BY OWNER** - Owner is responsible for performance of the work and obtaining contractors therefor. Owner shall cause satisfactory plans and specifications for the improvements to be prepared and to submit said plans and specifications to the City Manager, or his designate, for approval prior to commencement of the work to be done. Such work shall be done in accordance with City standards in effect at the time the improvement plans are submitted for approval. Owner agrees to make payments required by the City including, but not limited to engineering deposits, permit fees and inspection fees. Owner shall notify the City Manager, or his designate, at least 48 hours prior to the start of work.

Prior to approval of improvement plans by the City, Owner may be required to execute and deliver to the City, a performance bond in an amount and form acceptable to the City, to be released by the City in whole or in part upon the City's final acceptance of the work performed.

If Owner disagrees with the requirements set forth for installation of improvements as provided in this section, he shall, within 30 days of the date the notice from the City Manager was mailed, request a review of the requirements by the City Council. The decision of this Council shall be binding upon both the City and the Owner.

B. CONSTRUCTION AS LOCAL IMPROVEMENT TO BE ASSESSED AGAINST PROPERTY - Owners signature hereon shall be equivalent to a petition for establishment of a Local Improvement District. If Owner does not complete the improvements himself under provisions of paragraph, A, above, the City may do the work as a local improvement project following the procedures established by ordinance for such projects and assess the cost against the property specially benefitted. Permission to enter onto the property of the owner is granted to the City or its contractor as may be necessary to construct such improvements.

IV. MAINTENANCE OF IMPROVEMENTS

Owner agrees to provide any necessary temporary facilities, access road or other required improvements, to assume responsibility for the proper functioning thereof, to submit plans to the appropriate City agency for review if required, and to maintain said improvements and facilities in a manner which will preclude any hazard to life or health or damage to adjoining property.

City agrees to accept for maintenance those improvements specified in Section II, excepting sidewalks, which are constructed in accordance with City standards, which are installed within right-of-ways or easements dedicated and accepted by the City, and which have received final acceptance by the City. Where the required work is performed by Owner pursuant to the above Section III, A, the City Manager, or his designate, will provide adequate and timely progress inspection of said work and upon completion of any said improvements in accordance herewith, will issue to the Owner his final certificate of inspection and acceptance thereof; provided, however, the Owner shall guarantee all improvements to be constructed in a workmanlike manner and to be free of defects for a period of one year from the date of issuance of final certificate and acceptance. If, in the opinion of the City Manager, it shall be necessary to repair or replace all or part of such improvement within said one year period, he, or his designate, shall so notify the Owner and it shall be the responsibility of said Owner to construct the necessary repair or replacement. If such construction is not accomplished in a timely fashion, the City may construct or contract for such construction, and the Owner shall be responsible for all costs incurred. Assessment for such construction shall be as provided in Part III, B.

DATED this _____ day of _____, 19____.

OWNER

By _____

CITY OF BROOKINGS

By _____
Planning Director

STATE OF OREGON)
ss. COUNTY OF CURRY)

Signed or attested on _____ (date)
by _____ (name(s) of person(s))

BEFORE ME:

Notary Public for: _____
My Commission expires: _____

STATE OF OREGON)
ss. COUNTY OF CURRY)

Signed or attested on _____ (date)
by _____ (name(s) of person(s))

BEFORE ME:

Notary Public for: _____
My Commission expires: _____

PROCLAMATION

WHEREAS, the Elks Lodge of Brookings will observe the week beginning on the first Sunday of May 2002, as Elks Youth Week to honor America's Junior Citizens for their achievements, and to give fitting recognition of their services to Community, State and Nation; and

WHEREAS, no event could be more deserving of our support and participation than one dedicated to these young people who represent the nation's greatest resource, and who in the years ahead will assume the responsibility for the advancement of our free society; and

WHEREAS, it is our responsibility to guide, inspire and encourage our youth, which we citizens alone can give in order to help develop those qualities of character essential for future leadership, and go forth to serve America; and

WHEREAS, to achieve this worthy objective, we should demonstrate our partnership with Youth, our understanding of their hopes and aspirations and a sincere willingness to help prepare them in every way for the responsibilities and opportunities of citizenship;

NOW THEREFORE, I, Bob Hagbom, Mayor of the City of Brookings, do hereby proclaim the week of May 5 through May 11, 2002, as

"ELKS YOUTH WEEK,"

FURTHER, I urge all citizens and all departments of the city government to cooperate in the observance, that we may attain these worthy objectives.

THEREFORE, I have hereunto set my hand and caused the seal of the City of Brookings to be affixed this ____ day of April 2002.



Bob Hagbom, Mayor

PROCLAMATION

WHEREAS, services provided by law enforcement officers are vital to the well being of our nation and community; and

WHEREAS, Brookings law enforcement officers are ready to provide assistance to those in need, 24 hours a day, seven days a week; and

WHEREAS, unfortunately sometimes law enforcement officers lose their lives in the line of duty; and

WHEREAS, we all benefit daily from the knowledge and dedication of these individuals; and

WHEREAS, in appreciation of and to recognize the value, sacrifices, and accomplishments of all law enforcement officers, it is appropriate to designate Law Enforcement Week, and Law Enforcement Day; and

NOW, THEREFORE, I, Bob Hagbom, Mayor of the City of Brookings, do hereby proclaim the week of May 13 through 19, 2002, as

"LAW ENFORCEMENT WEEK,"

and May 15, 2002, as

"LAW ENFORCEMENT DAY,"

AND FURTHER, I encourage citizens in Brookings and Harbor to observe this week with appropriate recognition for our Law Enforcement Officers and to attend this year's Law Enforcement Memorial Service at 11:30 a.m. on Wednesday, May 15, 2002, in Brookings, Oregon.

THEREFORE, I have hereunto set my hand and caused the seal of the City of Brookings to be affixed this _____ day of April 2002.

Bob Hagbom, Mayor



Rainbow Springs

~~John~~ Lee Rogers
P.O. Box 2109 • 131 Marine Dr.
Brookings, Oregon 97415
(503) 469-0450

april 10, 2002

Mayor: Bob Hybrow

City Manager: Jerry Blodgett

I regret to say I need to resign
from Budget Committee,
Health reasons.

Sincerely,

J Lee Rogers

received
4-16-02

CITY OF BROOKINGS

Two Vacancies on City Commissions

Notice Dated: Thursday, March 28, 2002



PRESS RELEASE

CITY PLANNING COMMISSION & PARKS AND RECREATION COMMISSION VACANCIES

As a result of the City Council appointing Parks & Recreation Commission Chair Craig Mickelson to the Planning Commission on February 11, 2002 - replacing Jim Collis, who resigned earlier, and Council receiving the resignation of Planning Commission Chair Richard Gyuro, we now have two vacant positions on City Commissions. 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. These positions and terms are as follows:

1. Parks & Recreation Commission Pos. #7, Effective: Immediately, 4-year term expires February 1, 2006
2. Planning Commission Pos. #6, Effective: Immediately, 4-year term expires April 1, 2005

The Brookings Parks and Recreation Commission meets monthly on the fourth Thursday of each month at 7:00 PM in the Brookings City Hall Council Chambers. 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.

These positions are unpaid, volunteer positions. However, appointment to these positions guarantees an invitation to one of Brookings' premier events - the City's ANNUAL VOLUNTEER AND EMPLOYEE PICNIC at our beautiful Azalea Park on the 4th weekend in August! If you are interested in being considered as a member of either of these City Commissions, 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 4:00 p.m. on April 15, 2002.

The Council will act on these appointments at their meeting on April 22, 2002. Applicants should be prepared to attend the mentioned Council meeting starting at 7:00 p.m. and to attend the applicable Parks and Recreation Commission regularly scheduled monthly meeting set for April 25, 2002, at 7:00 p.m. or the Planning Commission regularly scheduled monthly meeting set for May 7, 2002 at 7:00 p.m. If you have any questions about the positions, 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: 898 Elk Drive, Brookings, OR 97415 * E-mail - city@brookings.or.us

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

FAXED NOTICE SENT TO: Curry Coastal Pilot, KURY, KCRE, KPOD, KBSC-TV49, The World, The Triplicate, Curry County Reporter, Azalea News, Bandon Newspaper Western World, Chetco Public Library, Port of Brookings-Harbor, Brookings-Harbor Chamber of Commerce, Brookings-Harbor School District, SWOCC, Brookings Police Department, City Council, City Staff, & posted at City Hall.

City of Brookings

Application to Serve on Parks and Recreation Commission

Supplemental sheet for Pat Sherman
April 4, 2002

Question #2- reason

The Welcome to Brookings sign proclaims that Brookings is the "City of Winter Flowers". As a member of the Parks and Recreation Commission, as well as in my volunteer efforts outside of the Commission, I plan to focus my energy on making this proclamation a reality.

As a private citizen I am developing and will execute a plan to coordinate efforts among government entities, property owners, civic groups and volunteer teams to clean up and beautify our city.

As a member of the Parks and Recreation Commission I will be an advocate for ordinances that support the beautification effort.

I am currently treasurer of the Brookings Harbor Garden Club and I think this organization will be one of the leading groups in this effort. The beautification job, however, appears to be too big for the Garden Club to handle by itself.

I have background in the nursery business. I am currently president of Fragrant Garden Nursery, Inc., which is a small business specializing in sweet pea seeds (the flowers).

The business will not benefit from my position on the Commission and does not create a conflict of interest.

Question #3-Bio

Education: BS in Nursing, University of Portland
MBA, Oregon State University

In addition to degree requirements for MBA, I also took enough accounting to take and pass the CPA exam.

Employment:

18 years in nursing

2 years in accounting

10 years stay-at-home Mom

6 years owner in nursery business

Currently owner of seed business



City of Brookings

Phone (541) 469-2163

FAX (541) 469-3650

E-mail - www.brookingsor.org

898 Elk Drive ♦ Brookings, OR 97415

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

Name: Pat Sherman Date: 4/5/02

Physical Address: 303 Truman Lane

Mailing Address: PO Box 1140 Phone: 469-3527(H)
412-8840(W)

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: 6 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.)

see attached.

4. Please list three references:

	NAME:	ADDRESS:	PHONE:
A.	<u>Cherie Mitchell</u>	<u>1</u>	
B.	<u>Gay Green</u>	<u>1</u>	
C.	<u>Kent Russell</u>	<u>6</u>	

5. Pat Freeman 4/5/02
Signature Date

March 5, 2002

Dear Mayor Hagboom,

As a 21- year resident and active civic leader, I would like to be considered for a position on the Planning Commission. Attached are the necessary documents giving my background and experience.

Sincerely yours,

A handwritten signature in cursive script that reads "Joyce C. Reynolds".

**Joyce C. Reynolds
15780 Pelican Bay Drive.
Brookings**

469-5838



City of Brookings

Phone (541) 469-2163

FAX (541) 469-3650

E-mail - www.brookingsor.org

898 Elk Drive ♦ Brookings, OR 97415

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

Name: Joyce C. Reynolds Date: March 5, 2002

Physical Address: 15780 Pelican Bay Dr.

Mailing Address: same Phone: 469-5838

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: 1980

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 feel I would bring the new

of the new Urban Growth Area with focus on our entire
Brookings/Harbor Community. This will be necessary to
grow in a planned way for the good of our area.
(Continued on back)
I've served on several City committees & served in
many leadership capacities (See attached Biography.)

2. Continued: _____

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

See attached

4. Please list three references:

NAME:	ADDRESS:	PHONE:
A. <u>Andy Drago</u>	<u>96344 Dawson Rd.</u>	<u>469-3834</u>
B. <u>Boy King</u>	<u>96436 Ocean PK. Dr.</u>	<u>412-9311</u>
C. <u>David Godino</u>	<u>15815 Pelican Bay Dr.</u>	<u>469-8469</u>

5.

June C. Reynolds
Signature

3/5/2002
Date

BIOGRAPHY OF JOYCE REYNOLDS

1. **BORN IN CHICAGO, ILLINOIS
MOVED TO THE LOS ANGELES AREA, LIVED THERE FOR 34 YEARS
MARRIED JIM AND WE HAVE 4 WONDERFUL CHILDREN, 11 GRANDCHILDREN,
AND 1 GREAT-GRANDCHILD.
MOVED TO BROOKINGS 21 YEARS AGO.**

2. **VOLUNTEER WORK:**

**28 YEARS WORKING FOR CHILDREN THROUGH PTA . SERVED AS PRESIDENT OF
ELEMENTARY AND JUNIOR HIGH SCHOOL PTA'S, AREA COUNCIL PRESIDENT, AND
PRESIDENT OVER 32 COUNCIL PRESIDENTS REPRESENTING 265 SCHOOLS IN THE
LOS ANGELES UNIFIED SCHOOL DISTRICT.**

**LOBBYIST, LEADERSHIP VP, AND ADMINISTRATOR FOR THE LOS ANGELES 10TH
DISTRICT PTA.**

SERVED ON GOVERNORS COMMITTEE FOR SCHOOL FINANCE.

**2 YEARS AS 1ST VICE PRESIDENT AND PARLIAMENTARIAN OF THE OREGON STATE
PTA.**

CHAIRMAN OF THE CURRY COUNTY AZALEA HOME EXTENSION GROUP.

PRESIDENT 2 1/2 YEARS OF THE CURRY COUNTY LEAGUE OF WOMEN VOTERS.

3. **REAL ESTATE:**

CO-OWNER OF REYNOLDS REAL ESTATE SERVICES

REAL ESTATE LICENSEE SINCE 1987

SERVED AS CURRY COUNTY BOARD OF REALTORS STATE DIRECTOR IN 1988

EDUCATION CHAIRMAN FOR CURRY COUNTY BOARD OF REALTORS

PRESIDENT ELECT FOR CURRY COUNTY BOARD OF REALTORS

PRESIDENT OF CURRY COUNTY BOARD OF REALTORS FOR 1997 AND 1998

**MEMBER OF GOVERNING BOARD FOR REGIONAL PROFESSIONAL STANDARDS 2
YEARS FOR BOARD OF REALTORS**

REALTOR OF THE YEAR AWARD RECIPIENT 1997

**PRESIDENTIAL APPOINTEE TO EXECUTIVE COMMITTEE OF OREGON ASSOCIATION OF
REALTORS 4 YEARS**

CERTIFIED E-PRO DESIGNATION BY NATIONAL ASSOCIATION OF REALTORS

4. **COMMUNITY INVOLVEMENT:**

MEMBER OF THE BROOKINGS CITY STUDY COMMITTEE FOR INFILL DEVELOPMENT

MEMBER OF THE BROOKINGS CITY STUDY COMMITTEE ON HILLSIDE DEVELOPMENT

MEMBER OF THE BROOKINGS CITY 50TH BIRTHDAY COMMITTEE

MEMBER AND PAST BOARD OF DIRECTOR OF THE CHETCO PELICAN PLAYERS

MEMBER OF THE BROOKINGS/HARBOR CHAMBER OF COMMERCE

MEMBER AND DEACON OF THE BROOKINGS PRESBYTERIAN CHURCH

MEMBER OF HABITAT FOR HUMANITY



City of Brookings

Phone (541) 469-2163

FAX (541) 469-3650

E-mail - www.brookingsor.org

898 Elk Drive ♦ Brookings, OR 97415

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

Name: Bruce Nishioka Date: 4-15-02

Physical Address: 724 Hassett St (Confidential)

Mailing Address: P.O. Box 6024 Phone: 412-3414
w 469-0460

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: 2 Year: 98

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.)

See attached

4. Please list three references:

	NAME:	ADDRESS:	PHONE:
A.	<u>Charles Kocher</u>		-
B.	<u>Keith Pepper</u>	<u>8.</u>	-
C.	<u>Pat Foley</u>	<u>9</u>	-

5. Bruce Vishnick 4-15-02
Signature Date

I want to participate in the future planning and development of Brookings. I am currently a member of city Budget Committee. I have handled one land use case in Salem, Oregon.

(over)

BRUCE M. NISHIOKA
P.O. Box 6024
Brookings, Oregon 97415
Home (541) 412-3414
Member of the California State Bar #153321

EDUCATION: J.D., University of San Diego, School of Law
B.S., University of Oregon, General Science

EXPERIENCE:

12/90 - 11/96 CORPORATE COUNSEL For TRANSAMERICA CORP.

- Supervised insurance and business litigation matters throughout the United States with total potential liability reserved for approximately three million dollars.
- Conducted due diligence as a member of the legal team that spun off Transamerica Insurance Administrators, Inc. ("TIAI") and its affiliated insurance companies from Transamerica Commercial Finance to Transamerica Financial Services.
- Responsible for proper licensing and agency relationships in each state Transamerica sold credit insurance products.
- Provided legal counsel when TIAI converted from marketing through independent agencies to marketing through captive Transamerica subsidiaries.
- Participated in negotiations and drafting of administration agreements when TIAI contracted out its administrative duties.
- Conducted due diligence and assisted with the subsequent transfer of purchased assets and security interests when Transamerica Financial Services purchased ITT Financial Services.

2/98 - 12-98 DEL NORTE COUNTY DISTRICT ATTORNEY-CRIMINAL DIVISION
Deputy District Attorney

1/99 - Present DEL NORTE COUNTY DISTRICT ATTORNEY-FAMILY SUPPORT DIVISION
Deputy District Attorney

PROFESSIONAL AFFILIATIONS:

- CONSUMER CREDIT INSURANCE ASSOCIATION
Law Committee Member, 1995-1996
- LOS ANGELES BAR ASSOCIATION
Chairman of Barrister's "Business Lawyers Committee", 1996-1997
- CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION
Child Support Law Committee, 1999-Present

COMMUNITY AND CHARITABLE AFFILIATIONS:

- JAPANESE AMERICAN NATIONAL MUSEUM
Member
- MILITARY ORDER OF THE PURPLE HEART
Associate Member
- MANHATTAN BEACH OLD HOMETOWN FAIR
Board of Directors, 1996-1997
- CITY BUDGET COMMITTEE OF BROOKINGS, OREGON
Board Member, Current

Memorandum

TO: Mayor and City Council
FROM: John Bischoff, Planning Director
THROUGH: Leroy Blodgett, City Manager
DATE: April 12, 2002



Issue: Street Vacation Case No. VAC-1-02—action by the Planning Commission.

Background: At its regularly scheduled meeting of April 2, 2002, the Planning Commission considered this application to vacate the southerly most 55± feet of Truman Ln. that is surrounded on three sides by property owned by the applicant. The Commission is recommending approval of the application. The Planning Commission Staff Report, Council Staff Report and a Final Order and Ordinance are attached.

Recommendation: The Planning Commission and staff are recommending approval of this street vacation.

CITY OF BROOKINGS CITY COUNCIL
STAFF AGENDA REPORT

SUBJECT: Right-of-Way Vacation
FILE NO: VAC-1-02
HEARING DATE: April 22, 2002

REPORT DATE: April 11, 2002
ITEM NO: V.A

GENERAL INFORMATION

APPLICANT: Paul Sherman.

REPRESENTATIVE: None.

REQUEST: To vacate the southerly most 55± of Truman Ln.

TOTAL LAND AREA: 1,635± sq. ft.

LOCATION: The area at the southerly end of Truman Ln. that is surrounded on three sides by Tax Lot 6200.

ASSESSOR'S NUMBER: 41-13-6CB, Tax Lot 6200.

ZONING / COMPREHENSIVE PLAN INFORMATION

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

PROPOSED: Same.

SURROUNDING: R-1-6 on all sides.

COMP. PLAN: Residential.

LAND USE INFORMATION

EXISTING: Old houses have been removed from Tax Lot 6200, two gazebos remain.

PROPOSED: Residential use. Possible partition of Tax Lot 6200.

SURROUNDING: Single family homes on all sides south of Rowland Ln.

PUBLIC NOTICE: Published in the local newspaper, posted at both ends of the street section to be vacated, and mailed to all property owners within 250 feet of the street section.

BACKGROUND INFORMATION

Truman Ln. extends south from Rowland Ln. and dead ends adjacent to Tax Lot 6200, Assessor's Map 41-13-6CB, which is the applicant's property. The area of the street subject to this request is the southerly most 55± feet that is surrounded on three sides by the applicant's property.

The Planning Commission heard this item at its regularly scheduled meeting of April 2, 2003 and is recommending that the City Council approve the vacation.

The Planning Commission staff report, Final Order and Ordinance No. 02-O-545 are attached for your consideration.

RECOMMENDATION

Staff recommends **APPROVAL** of Case File No. VAC-1-02, based on the findings and conclusions stated in the Planning Commission staff report.

CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: Right-of-Way Vacation
FILE NO: VAC-1-02
HEARING DATE: April 2, 2002

REPORT DATE: March 18, 2002
ITEM NO: 8.5

GENERAL INFORMATION

APPLICANT: Paul Sherman.

REPRESENTATIVE: None.

REQUEST: To vacate the southerly most 55± of Truman Ln.

TOTAL LAND AREA: 1,635± sq. ft.

LOCATION: The area at the southerly end of Truman Ln. that is surrounded on three sides by Tax Lot 6200.

ASSESSOR'S NUMBER: 41-13-6CB, Tax Lot 6200.

ZONING / COMPREHENSIVE PLAN INFORMATION

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

PROPOSED: Same.

SURROUNDING: R-1-6 on all sides.

COMP. PLAN: Residential.

LAND USE INFORMATION

EXISTING: Old houses have been removed from Tax Lot 6200, two gazebos remain.

PROPOSED: Residential use. Possible partition of Tax Lot 6200.

SURROUNDING: Single family homes on all sides south of Rowland Ln.

PUBLIC NOTICE: Published in the local newspaper, posted at both ends of the street section to be vacated, and mailed to all property owners within 250 feet of the street section.

BACKGROUND INFORMATION

Truman Ln. is a paved travel way within a 30 foot wide right of way with no other improvements, that extends south from Rowland Ln. for a distance of approximately 270 feet where it dead ends. The southerly 55± feet of Truman Ln., measured along the centerline, is surrounded on three sides of Tax Lot 6200 (see Exhibit 2). The applicant owns and may divide Tax Lot 6200, which is now vacant except for two gazebos.

The area on three sides of Truman Ln. is zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) and developed accordingly. The area north of Rowland Ln. is zoned R-2 (Two Family Residential) and developed with a mixture of single and duplex homes. There is sewer main located in the full length of Truman but no water main.

PROPOSED VACATION

The applicant is requesting that the southerly most section of Truman Ln. be vacated. Tax Lot 6200 fronts on the east side of Truman for a distance of 106.9 feet, on the south side at an angle to the centerline for a distance of approximately 39 feet and on the west side for a distance of 67.3 feet. The area of the vacation extends from the south terminus to the north end of the westerly property line of 67.3 feet. The street section subject to this request measures approximately 55 feet along the centerline and includes an area of approximately 1,635 sq. ft.

ANALYSIS

Section 152, Vacations, Subsection 030, Vacation Criteria, of the Land Development Code, provides that request to vacate will be considered by the Planning Commission for recommendation to the City Council following a determination based upon the findings prepared and submitted by the petitioner(s), which shall address the following criteria:

1. Compliance with the comprehensive plan, circulation element or other applicable sections of the document.
2. If initiated by petition pursuant to ORS 271.080, the council shall make the determinations pursuant to ORS 271.120 based upon evidence provided by the petitioner(s) in the written findings.
3. If initiated upon a recommendation of the Planning Commission and/or by the City Council on its own motion pursuant to ORS 271.130, a determination shall be made that the vacation will not substantially affect the market value of all such abutting property to the area proposed to be vacated, unless the City Council proposes to provide for paying such damages.

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

Criterion 1, Compliance with the Comprehensive Plan.

The street segment subject to this request is surrounded on three sides by the same tax lot, which is in the applicant's ownership and therefore should have no particular impact on the city's Comprehensive Plan, nor Goal 12, Transportation, in particular. Since the applicant owns all of

the property abutting the area to be vacated, the vacation should have no impact on any of the surrounding properties. Once vacated, the area of the street section would automatically be attached to the applicant's property. Since there is a sewer main located within the full length of Truman Ln., Staff is recommending a condition that prior to the recordation of the vacation with the county and state, that the applicant recode an easement over the vacated area in favor of the city to allow for maintenance of the main.

Criterion 2, Petitioner Initiated.

The proposed vacation is at the request of the applicant to allow better use of his property by integrating the westerly appendage more fully into the body of the tax lot. The applicant is required to obtain the consent of 100% of the property owners abutting the area to be vacated and 67% of those in the affected area, which is described by state law. The applicant's property is the only property that abuts the area to be vacated. The applicant has submitted the required letters of consent. Notices have been posted at each end of the area to be vacated, as required by law.

Criterion 3, City Initiated.

This application was petitioner initiated and therefore this criterion does not apply.

FINDINGS

1. Truman Ln. is a paved travel way within a 30 foot wide right of way with no other improvements, that extends south from Rowland Ln. for a distance of approximately 270 feet.
2. Pursuant to the provisions of Section 152, Vacations, of the Land Development Code, the applicant has filed a petition to vacate the southerly most 55± foot section of Truman Ln. that is bounded on three sides by Tax Lot 6200, which is in the applicants ownership.
3. Truman Ln. is a dead end street and Tax Lot 6200 has 106.9 feet of frontage on the west side of Truman Ln., 39 feet of frontage on the south end of Truman and 67.3 feet of frontage on the west side of Truman. The area to be vacated extends from the northerly property line on the west side to the southerly terminus of the street, a distance of approximately 55 feet measured at the street centerline. The area to be vacated is approximately 1,635 sq. ft.
4. There is a sewer main located within the full length of Truman Ln. including the section subject to this request.
5. The applicant owns all of the property abutting the section to be vacated and has submitted approval letters from 67% of the property owners in the prescribed area adjacent to the end of the section to be vacated.

CONCLUSIONS

1. Since the area to be vacated is surrounded by on three sides by the same tax lot, Tax Lot 6200, it serves no particular purpose except that there is a sewer main within this section of the street. An easement over the sewer main should suffice to provide maintenance of the main.
2. The proposed vacation will allow the narrow portion of Tax Lot 6200 to be more fully integrated into the body of the parcel and thus make the lot more usable and divisible.

3. The proposed vacation will have no significant impact on the provisions of the Comprehensive Plan, particularly Goal 12, Transportation. The street is a dead end street and the vacation will not exasperate or change that condition.
4. The applicant owns all of the land abutting the section of street to be vacated and has submitted the required approval vouchers from 67% of the property owners in the prescribed area adjacent to the end of the section.

RECOMMENDATION

Staff recommends **APPROVAL** of Case File No. VAC-1-02, based on the findings and conclusions stated in the staff report. The Planning Commission's decision on this case will be a recommendation to the City Council.



Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

Region 3

3500 NW Stewart Parkway

Roseburg, OR 97470

(541) 957-3500

FAX (541) 957-3547

March 22, 2002

JOHN C. BISCHOFF, PLANNING DIRECTOR
CITY OF BROOKINGS PLANNING DEPARTMENT
898 ELK DRIVE
BROOKINGS, OREGON 97415

Re: Truman Lane Street Vacation (VAC-1-02)

John
Dear Mr. ~~Bischoff~~:

This correspondence is to provide comments on the request to vacate the southerly most 55+ feet of Truman Lane surrounded on three sides by Tax Lot 6200. The Oregon Department of Transportation (ODOT) determined that the proposed project is not expected to have a significant effect on state transportation facilities.

We appreciate the opportunity to provide assistance on the proposed street vacation, and look forward to working with the City of Brookings in the future. If you have any questions or need additional information, please contact me at (541) 957-3692.

Sincerely,

Thomas Guevara
THOMAS GUEVARA
Short Range Planner

Cc: Ron Hughes, Access Management Engineer
Jeff Waddington, Permits Specialist



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

In the matter of Planning Commission File No.)	Final ORDER
VAC-1-02; application for approval of a right-of-way)	and Findings of
vacation, Paul Sherman, applicant.)	Fact
)	

ORDER approving an application for a vacation of the southerly most 55± feet of Truman Ln. adjacent to Assessor's Map 41-13-6CB, Tax Lot 6200; 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 152, Vacations, of the Land Development Code; and,
2. Such application is required to show evidence that all of the following criteria has been met:
 - A. Compliance with the comprehensive plan, circulation element or other applicable sections of the document.
 - B. If initiated by petition pursuant to ORS 271.080, the council shall make the determinations pursuant to ORS 271.120 based upon evidence provided by the petitioner(s) in the written findings.
 - C. If initiated upon a recommendation of the Planning Commission and/or by the City Council on its own motion pursuant to ORS 271.130, a determination shall be made that the vacation will not substantially affect the market value of all such abutting property to the area proposed to be vacated, unless the City Council proposes to provide for paying such damages.
3. The Brookings Planning Commission duly considered the above described application on the agenda of its regularly scheduled public hearing on April 2, 2002; and
4. Recommendations were presented by the Planning Director in the form of a written Staff Agenda Report dated March 18, 2002, and by oral presentation, and evidence and testimony was presented by the applicant and the public at the public hearing; and,
5. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the Planning Commission, upon a motion duly seconded, accepted the Staff Agenda Report and recommended that the City Council approve the request, and
6. The Brookings City Council duly considered the above described application in a public hearing at a regularly scheduled public meeting held on April 22, 2002, and is a matter of record; and

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

THEREFORE, LET IT BE HEREBY ORDERED that the application for a vacation of the subject right-of-way is approved. This approval is supported by the following findings and conclusions:

FINDINGS

1. Truman Ln. is a paved travel way within a 30 foot wide right of way with no other improvements, that extends south from Rowland Ln. for a distance of approximately 270 feet.
2. Pursuant to the provisions of Section 152, Vacations, of the Land Development Code, the applicant has filed a petition to vacate the southerly most 55± foot section of Truman Ln. that is bounded on three sides by Tax Lot 6200, which is in the applicants ownership.
3. Truman Ln. is a dead end street and Tax Lot 6200 has 106.9 feet of frontage on the west side of Truman Ln., 39 feet of frontage on the south end of Truman and 67.3 feet of frontage on the west side of Truman. The area to be vacated extends from the northerly property line on the west side to the southerly terminus of the street, a distance of approximately 55 feet measured at the street centerline. The area to be vacated is approximately 1,635 sq. ft.
4. There is a sewer main located within the full length of Truman Ln. including the section subject to this request.
5. The applicant owns all of the property abutting the section to be vacated and has submitted approval letters from 67% of the property owners in the prescribed area adjacent to the end of the section to be vacated.

CONCLUSIONS

1. Since the area to be vacated is surrounded by on three sides by the same tax lot, Tax Lot 6200, it serves no particular purpose except that there is a sewer main within this section of the street. An easement over the sewer main should suffice to provide maintenance of the main.
2. The proposed vacation will allow the narrow portion of Tax Lot 6200 to be more fully integrated into the body of the parcel and thus make the lot more usable and divisible.
3. The proposed vacation will have no significant impact on the provisions of the Comprehensive Plan, particularly Goal 12, Transportation. The street is a dead end street and the vacation will not exasperate or change that condition.
4. The applicant owns all of the land abutting the section of street to be vacated and has submitted the required approval vouchers from 67% of the property owners in the prescribed area adjacent to the end of the section.

Dated this 22nd day of APRIL, 2002

Bob Hagbom, Mayor

ATTEST:

John C. Bischoff, Planning Director

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

In the matter of an ordinance)	
vacating the southerly most 55± feet)	<i>ORDINANCE NO. 02-O-545</i>
of Truman Lane)	

Sections:

- Section 1. Findings and determination.
- Section 2. Vacation.
- Section 3. Certification of ordinance.

The City of Brookings ordains as follows:

Section 1. Findings and determination. The Council of the City of Brookings hereby finds it appropriate to consider vacation of the following described parcel of land:

The southerly most 55± feet of Truman Ln., as described in Exhibit A.

That the Recorder of the City of Brookings gave due notice of public hearing to be held before the Council at the hour of 7:00 o'clock, April 22, 2002 in the Council Chambers in the City Hall in the City of Brookings, at which time any persons whomsoever having any objections or remonstrance to said right-of-way vacation or any part thereof, should file written objection or remonstrance with the City Recorder. That it appears to the satisfaction of the Council that the proposed vacation is in the best interests of the City. That the public interest will not be prejudiced by the vacation and that the vacation will not substantially affect the market value of abutting property.

Section 2. Vacation. The City of Brookings does hereby vacate a certain right-of-way described above.

Section 3. Certification of ordinance. The City Recorder is hereby instructed to forthwith record and file certified copies of this Ordinance with the County Clerk, County Assessor and County Surveyor of Curry County, Oregon.

First Reading: _____

Second Reading: _____

Passage: _____

Effective Date: _____

Signed by me in authentication of its passage this _____ day of April 2002.

Bob Hagbom
Mayor

ATTEST by City Recorder this _____ day of April 2002.

Paul Hughes
City Recorder

EXHIBIT A

That portion of Truman Lane located in Government Lot 3 of Section 6, Township 41 South, Range 13 West, Willamette Meridian, City of Brookings, Curry County, Oregon, included within the following described lines:

COMMENCING at a point on the East right of way line of said Truman Lane described as being South 978.8 feet and West 126.80 feet from the Northeast corner of said Lot 3;

thence South along said East right of way line 70.00 feet to the TRUE POINT OF BEGINNING;

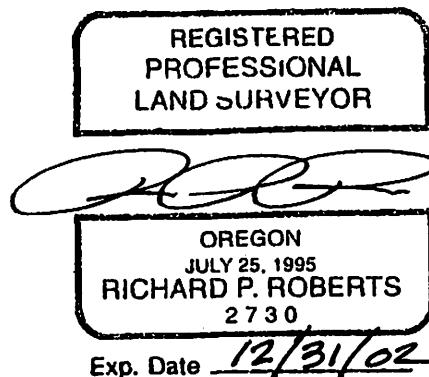
thence continuing South 36.90 feet;

thence South 49°03'00" West 32.90 feet;

thence South 30°00'00" West 10.30 feet to the West right of way line of said Truman Lane;

thence North 67.38 feet;

thence East 30.00 feet to the TRUE POINT OF BEGINNING.



Memorandum

TO: Mayor and City Council
FROM: John Bisehoff, Planning Director
THROUGH: Leroy Blodgett, City Manager
DATE: April 12, 2002



Issue: Annexation Case No. ANX-1-02—action by the Planning Commission.

Background: At its regularly scheduled meeting of April 2, 2002, the Planning Commission considered this application for the annexation of 5.78 acres of land consisting of 4 Tax Lots located on the west side of Parkview Dr. and adjacent to the easterly boundary of Harris Beach Park that forms the city limits. The Commission is recommending approval of the application. The Planning Commission Staff Report, Council Staff Report and a Final Order and Ordinance are attached.

Recommendation: The Planning Commission and staff recommend approval of this annexation.

CITY OF BROOKINGS CITY COUNCIL
STAFF AGENDA REPORT

SUBJECT: Annexation
FILE NO: ANX-1-02
HEARING DATE: April 22, 2002

REPORT DATE: April 11, 2002
ITEM NO: V.B

GENERAL INFORMATION

APPLICANT: Mike Mahar, Ken and Melody Gossard and Ben Murray.

REPRESENTATIVE: Jim Capp, Western Land Use Services.

REQUEST: Annexation of a 5.78 acre parcel of land consisting of 4 lots of 3.19, 2.03, 0.28, and 0.28 acres in size.

TOTAL LAND AREA: 5.78 acres.

LOCATION: Located on the west side of Park View Dr. approximately 220 feet north of Hampton Ln. and adjacent to the easterly boundary of Harris Beach State Park, which forms the city limits.

ASSESSOR'S NUMBER: 40-13-31CB, Tax Lots 800, 801, 802, and 803.

ZONING / COMPREHENSIVE PLAN INFORMATION

EXISTING: County R-1 (Residential-One).

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

SURROUNDING: North and South—County R-1; east of Park View Dr.—County R-2 (Residential-Two); West—City P/OS (Public Open Space).

COMP. PLAN: County Residential.

PROPOSED: City Residential

LAND USE INFORMATION

EXISTING: Tax Lot 800 contains one 1,800 sq. ft. shed.

PROPOSED: Residential subdivision.

SURROUNDING: North, East and South—Residential uses with scattered vacant lots; West—Harris Beach State Park.

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

BACKGROUND INFORMATION

The subject property is located on the west side of Parkview Dr. approximately 220 feet north of Hampton Ln. and adjacent to the easterly boundary of Harris Beach Park, which forms the city limit boundary. The nature of the property is described in the Planning Commission staff report, which is attached. At its regularly scheduled meeting of April 2, the Commission voted to make a recommendation of approval to the Council on this matter. Opposition to the annexation was based on concern for additional traffic on Parkview Dr. and the fact that vehicles currently speed on this section of the street.

A Final Order and Ordinance 02-O-54⁶ are attached for your consideration.

RECOMMENDATION

The Planning Commission and staff are recommending approval of the annexation.

CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: Annexation
FILE NO: ANX-1-02
HEARING DATE: April 2, 2002

REPORT DATE: March 18, 2002
ITEM NO: 8.3

GENERAL INFORMATION

APPLICANT: Mike Mahar, Ken and Melody Gossard and Ben Murray.

REPRESENTATIVE: Jim Capp, Western Land Use Services.

REQUEST: Annexation of a 5.78 acre parcel of land consisting of 4 lots of 3.19, 1.15, 0.28, and 0.28 acres in size.

TOTAL LAND AREA: 5.78 acres.

LOCATION: Located on the west side of Park View Dr. approximately 220 feet north of Hampton Ln. and adjacent to the easterly boundary of Harris Beach State Park, which forms the city limits.

ASSESSOR'S NUMBER: 40-13-31CB, Tax Lots 800, 801, 802, and 803.

ZONING / COMPREHENSIVE PLAN INFORMATION

EXISTING: County R-1 (Residential-One).

PROPOSED: To be determined.

SURROUNDING: North and South—County R-1; east of Park View Dr.—County R-2 (Residential-Two); West—City P/OS (Public Open Space).

COMP. PLAN: County Residential.

PROPOSED: City Residential

LAND USE INFORMATION

EXISTING: Tax Lot 800 contains one 1,800 sq. ft. shed.

PROPOSED: Residential subdivision.

SURROUNDING: North, East and South—Residential uses with scattered vacant lots; West—Harris Beach State Park.

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

BACKGROUND INFORMATION

The subject property is an irregular shaped, 5.78-acre parcel of land consisting 4 lots, Tax Lots 800, 801, 802, and 803, located on the west side of Park View Dr., approximately 220 feet north of Hampton Ln. The property has 1003.8 feet of frontage on Park View Dr., a southerly boundary of 120.94 feet, and a westerly boundary of 902.16 feet. The west boundary is adjacent to the city limits. The north boundary extends 477.63 feet along an unnamed, unimproved road right of way that extends back to the city limits to Park View Dr.

The subject property is currently zoned by the county as R-1 (Residential-One) and contains on shed of about 1,800 sq. ft. on Tax Lot 800 and a single family house on Tax Lot 801. The area to the north and south of the property is also zoned county R-1 and is developed with single-family homes with vacant lots. The area to the east of Park View Dr. is zoned county R-2 (Residential-Two) and is also developed with single-family homes with scattered vacant lots. Adjacent to, and west of the subject property is within the city and zoned P/OS (Public Open Space) and is the site of Harris Beach Park.

Topographically the property is essentially flat except for a ravine with a running creek that enters the property in the northeast corner and flows more or less parallel to Park View Dr. and becomes quite deep at the south end of the property. The rest of the property has a gentle downward slope from north to south with slight undulations throughout.

Park View Dr. is a paved travel way within a right of way that varies from about 45 feet at the south end of the subject property to 60 feet at the widest point and then back to 50 feet at the intersection of Park View and the unnamed street right of way. When an earlier partition was approved by the county creating Tax Lots 800, 802 and 803, the county required dedication along portions of the subject property to provide at least 25 feet of right of way along the west side of Park View Dr. There is a six-inch water main located within the Park View Dr. right of way adjacent to the subject property.

PROPOSED ANNEXATION

The applicants requests that the subject parcel, which includes Tax Lots 800, 801, 802, and 803 of Assessor's Map 40-13-31CB, be annexed to the city. The annexation will allow sewer service to be extended to the property and thus allowing development through a subdivision process.

ANALYSIS

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

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

- B. The proposed annexation will facilitate the functional and economic provisions of services within the Urban Growth Boundary without seriously impairing city services to existing portions of the city (direct responsibility for extension costs shall be addressed).
- C. The annexation represents a needed solution for existing problems resulting from inadequate or insufficient provisions for sanitation, water service or other related problems resulting from development with less than full urban services and facilities provided.
- D. The proposed annexation will add property to the city which is needed to provide an adequate supply of zoned lands for the uses projected on the comprehensive plan or will add property which has existing development in need of urban services.
- E. The lands within the boundaries of the proposed annexation are demonstrated to meet identified needs for urbanization and/or transportation networks.

The applicant's representative has presented an analysis that starts by examining the proposed annexation in regard to each of the goals of the Comprehensive Plan and then continues to address the above criteria. In this report, staff will comment on each of the applicant's statements in regard to their validity, completeness and, if necessary, may add to the statement.

Applicant's Submittal

Part 1 Policies of the Comprehensive Plan

Goal 1—Citizen Participation:

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

The applicant describes the public notification process adopted by the city to provide notice of a quasi-judicial land use hearing and provides the necessary names, addresses, tax lot and assessor's map numbers.

Staff agrees with the applicant's findings and conclusions related to Goal 1.

Goal 2—Planning:

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

By meeting the relevant criteria for annexation and the, the applicant has complied with the provisions of Goal 2.

Goal 3—Agricultural Lands and Goal 4—Forest Lands:

To cooperate with the County in the preservation and maintenance of agricultural lands, and To support and cooperate with the County in its efforts to protect forestland.

The applicant states that the subject property is not zoned for agriculture or forest use and is within the original urban growth boundary (UGB) and therefore Goals 3 and 4 do not apply.

Staff agrees with the applicant's findings and conclusions related to Goal 3 and 4.

Goal 5—Open Spaces, Scenic and Historic Area and Natural Resources

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

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

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

The applicant correctly states that neither the city nor county Comprehensive Plans identify any natural resources on the subject property and that the property is designated for residential use. However, both the city and county Comprehensive Plans were written prior to federal and state legislation protecting wetlands and thus do not contain a wetlands inventory. The easterly portion of Harris Beach Park is known to contain large areas of wetlands and the subject property displays factors indicating that there may be valid wetlands on it as well. The presence of wetlands is not necessarily a concern of the annexation process, but could be a major concern at the time of development. The applicant's representative was advised that a wetlands delineation should be made prior to the actual development of the property.

Goal 6—Air, Water and Land Resources Quality:

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

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

The stated purpose of this annexation is to allow the development of the larger tax lot of the subject property with a subdivision. The applicant is correct in stating that the requirements of development will serve to meet the policies of Goal 6 of the city's Comprehensive Plan, including protection of any wetland that may exist on the property.

Goal 7—Areas Subject To Natural Disasters and Hazards:

To protect life and property from natural disasters and hazards.

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

The applicant is correct in stating that the property is not located in an area recognized as having a potential slumping or mudflow hazard. One area on the property near the southeast corner has

fairly steep slopes that may need a geological study at the time of development. Otherwise staff agrees with the applicant's finding.

Goal 8-Recreational Needs:

To satisfy the recreational needs of the citizens of the Brookings area, State and visitors.

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

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

The applicant describes the proximity of the subject property to Bud Cross City Park and Harris Beach Park. It should be pointed out that the portion of Harris Beach State Park that adjoins the subject property is not developed or used. The Brookings area is fortunate in that it has a very high park acreage to population ratio. Staff agrees with the applicant's finding and conclusion related to this goal.

Goal 9-Economy of the State:

To diversify and improve the economy of the Brookings area.

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

The applicant states that "small area development will not solve the problem of a "narrow economic base" and this of course is true. The applicant goes on to state that such development has an incremental impact on the economy both in the construction phase and in the long term thru increased buying power. Staff agrees with the applicant's finding and conclusion related to this goal.

Goal 10-Housing:

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

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

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

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

The applicant correctly states that the subject property is located within what was the old UGB and is designated for residential use. The county has zoned the property R-1 (Residential-One), which allows single family homes and manufactured homes. Section 148, Annexations, of the Land Development Code, subsection 148.050 Zoning of annexed property, recommends that the

county R-1 Zone be rezoned to the city R-1 (Single Family Residential) Zone upon annexation. Although larger lots may be necessary along the easterly portion of the subject property, staff recommends that the R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) designation be placed on the subject property to allow maximum use of the flatter areas. Staff agrees with the applicant's findings and conclusion in relation to Goal 10.

Goal 11—Public Facilities and Services:

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to provide a framework for urban and rural development.

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

The applicant is correct in stating that the city's Standard Specifications, General Engineering requirements and state and federal standards will ensure that all infrastructure is installed correctly. Currently there is a water main located in Park View Dr. adjacent to the subject property, however, at the time of development this water main will have to be reviewed to determine if it needs to be resized. The purpose of the annexation is to allow sewer service for subdivision and development of the subject property. The sewer main will be extended in the Park View Dr. right of way approximately 1,300 feet from its current location to the subject property. The size of the new sewer main will be determined at the time of development.

Staff agrees with the applicant's findings and conclusion in regard to this goal.

Goal 12—Transportation:

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

The applicant correctly states that the streets will be constructed to city standards at the time of development. Park View Dr. is listed as a collector street in the Transportation Plan. At the time of this report, the Oregon Department of Transportation (ODOT) has not commented on this annexation. If ODOT does comment prior to the preparation of the packet, their letter will be in the packet. Otherwise it will be available at the time of the hearing. Staff agrees with the applicant's findings and conclusion in regard to this goal.

Goal 13—Energy Conservation:

To conserve energy.

Policy 2. Brookings will encourage the infilling of undeveloped parcels of land within the City as well as the re-use of vacant land to the extent possible. The City will encourage

land development practices which conserve energy as well as utilize renewable energy sources whenever possible. The City desires high density development to be located adjacent to major shopping areas and along major transportation routes, as appropriate.

The applicant explains that the subject property is within a short distance of shopping, governmental and professional services. The subject property is within the original Urban Growth Boundary and is designated for residential uses and therefore the proposed annexation does represent the infill of undeveloped parcels and will facilitate development of land in the UGB. Staff agrees with the applicant's findings and conclusion in regard to this goal.

Goal 14—Urbanization:

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

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

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

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

The applicant correctly states that the subject property is located within the UGB, zoned for single family residential use at an urban density, that the subject property is located adjacent to the city limits, and that the city does not extend sewer services outside of the city limits. Staff agrees with the applicant's findings and conclusion in regard to this goal.

Goals 16, 17, 18: These goals deal with estuarine, coastal shore, beach, and dune areas and resources and do not apply to the proposed annexation.

Part 2 Land Development Code, Section 148, Annexations

148.020—Application Procedures.

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

- A. Vicinity map.*
- B. Assessor's parcel maps.*
- C. Consent to annex forms.*
- D. Legal metes and bounds, or lot and block description.*
- E. Specific information:*
 - 1. Current assessed valuation as shown on the Curry County Assessor's tax rolls.*
 - 2. Acreage.*

3. *Map and tax lot number.*
4. *Owner or owners of record.*
- F. *Addresses of all dwelling units and businesses within the territory proposed to be annexed.*
- G. *Written findings of fact which address the following:*
 1. *Existing land uses within the territory proposed to be annexed.*
 2. *Existing zoning and comprehensive plan designations.*
 3. *Existing improvements.*
 4. *Special service districts, such as water, irrigation, fire, school, sanitary.*
 5. *Urban services needed and necessary to service the territory proposed to be annexed.*
 6. *Compliance with all applicable goals and policies of the Comprehensive Plan.*
 7. *Compliance with any of the below listed criteria A through E of subsection 148.030.*

The applicant has submitted all required material.

148.030—Annexation criteria.

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

Criterion A.

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

Staff agrees with the applicant's findings and conclusions in regard to this criterion.

Criterion B.

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

The applicant is correct in stating that there is a water main within the Parkview Dr. right of way adjacent to the subject property. At the time of development engineering requirements will determine if the existing main is adequate or if it must be resized. The existing sewer main terminates where Parkview Dr. makes the turn from an east/west alignment to a north/south alignment, which is within the existing city limits. Upon annexation and subsequent development, the sewer main will be extended within the Parkview Dr. right of way to the northerly boundary of the annexation. The applicant has submitted statements the Police Chief, Fire Chief and the Wastewater/water treatment operator that development of the subject property will not cause a significant impact on the city's capacity to provide their particular service to the annexed area. Staff agrees with the applicant's findings and conclusions in regard to this criterion.

Criterion C.

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

The reason for this annexation is to provide the services necessary to subdivide the larger parcel, Tax Lot 800 together with one of the smaller lots, Tax Lot 803, which are in the Mahar ownership. The Murray lot, Tax Lot 802, was brought into this application because the approved drain field area for his lot is on Mahar's Tax Lot 800. This arrangement reduces the development potential of the Mahar property unless Murray was able to connect to the city sewer, which he would not be able to do unless he was within the city limits. The Gossard parcel, Tax Lot 801 was included to bring the annexed area that much closer to the east/west alignment of the city limits that runs along Hampton Ln. Staff agrees with the applicant's findings and conclusions in regard to this criterion.

Criterion D.

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

The applicant correctly points out that this land is in the UGB and thus is designated as a part of the future growth of the city and area. By annexing these properties the larger lots can be divided further with full city services to provide for future growth. Staff agrees with the applicant's findings and conclusions in regard to this criterion.

Criterion E.

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

The subject properties are all within what was the original UGB, adopted in 1981, and thus are considered to meet identified need for urbanization and/or transportation networks. Staff agrees with the applicant's findings and conclusions regarding this criterion.

148.040—Annexation Impact Analysis.

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

To assure that the Planning Commission and City Council, prior to acting upon a proposal for annexation, is fully informed as to the potential impacts of the annexation upon both the city

and the territory proposed to be annexed, it shall be required that an impact analysis containing, but not limited to, the following information be prepared and submitted by the applicant(s) for consideration by the staff, advisory (Planning Commission) and approving authority (City Council).

Criterion A.

A statement of the municipal service needs, if any, of the territory proposed to be annexed, including police and fire protection; public sewer and water supply facilities; street improvement or construction, or both; and such other municipal services that may reasonably be required.

Since the subject property is located within the Suburban Fire District, which is served by the Brooking Fire Department, inclusion of the property within the city limits should make no change in the Fire Departments ability to serve the property. Staff has received statements from the Fire Chief, Police Chief and from the Wastewater/Water Treatment Chief Operator stating the subject property and proposed development can be provided with water and sewer service without impacting the treatment facilities. Staff agrees with the applicant's findings and conclusions in regard to this criterion.

Criterion B.

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

Staff agrees with the findings and conclusions presented by the applicant in regard to this criterion.

Criterion C.

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

Staff agrees with the findings and conclusions presented by the applicant in regard to this criterion.

Criterion D.

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

Staff agrees with the findings and conclusions presented by the applicant in regard to this criterion.

Criterion E.

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

Staff agrees with the findings and conclusions presented by the applicant in regard to this criterion.

FINDINGS

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

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

CONCLUSIONS

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

RECOMMENDATION

Staff recommends a recommendation of **APPROVAL** of Case File No. ANX-1-02, to the city council, based on the findings and conclusions stated in the staff report.

FINDINGS IN SUPPORT OF: ANNEXATION REQUEST

SUBMITTED TO: CITY OF BROOKINGS, OREGON.

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

APPLICANTS: Mike Mahar [Tax Lots 800 & 803]
815 Alder Creek Drive
Medford, Oregon 97504

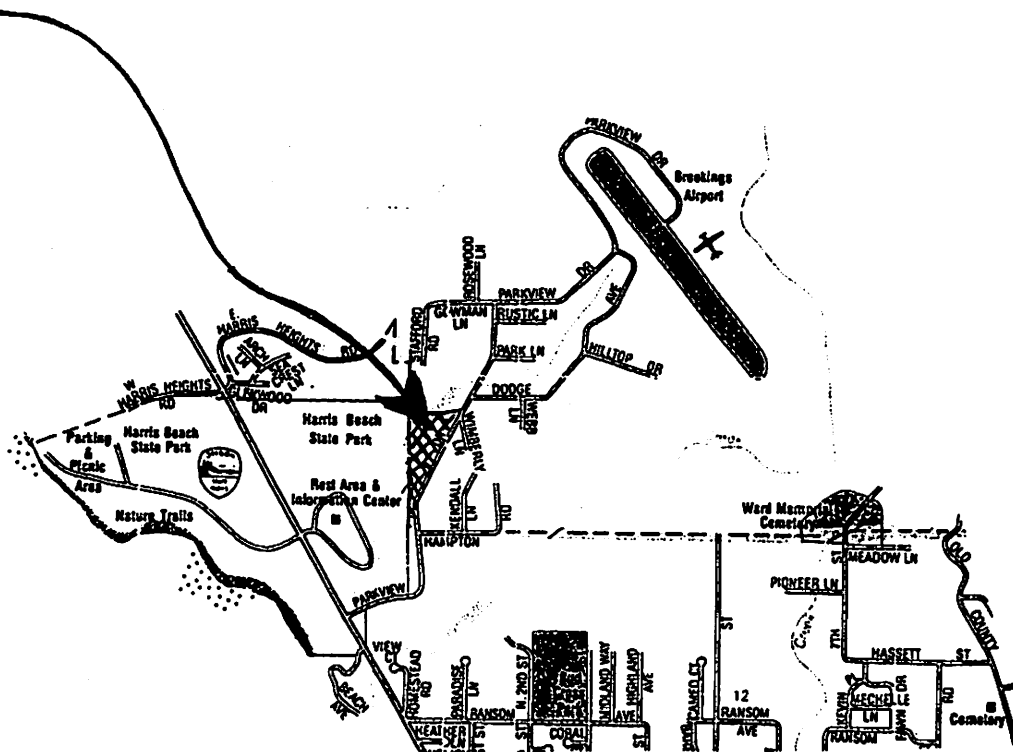
Ken & Melody Gossard [Tax Lot 801]
PO Box 2641
Brookings, Oregon 97415

Ben Murray [Tax Lot 802]
PO Box 665
Brookings, Oregon 97415

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

PROPOSAL: Request for annexation to the City of Brookings.

SUBJECT PROPERTY: Tax Lots 800, 801, 802 & 803, Map 40-13-31CB



APPLICABLE CRITERIA:

Brookings Planning Director advises several Policies of the Comprehensive Plan and Section 148.020, 030 and 040 of the Land Development Code, should be addressed in this application. This application is formatted so that ordinance requirements and our findings in regard thereto are both presented. Each applicable criterion is quoted and is then followed by our proposed findings of fact in response to that criterion. Part I addresses applicable policies of the Comprehensive Plan; Part II addresses Land Development Code Section 148. The information contained in these Findings and Exhibits should be considered as evidence on the relevant criteria in support of this application.

EXHIBIT LIST:

1. Curry County Assessor Map 41-13-31CB
2. Notification map 2, Assessor Map 40-14-36 with additional information added.
3. Notification map 3, Assessor Map 40 14-36A
4. Comprehensive Plan, Page 14-2, Residential Needs Analysis.
5. Warranty Deed, Gossard to Mahar, dated January 3, 2002, filed for record January 7, 2002 at Curry County Inst #2002 p0001.
6. Bargain & Sale Deed, Gowman to Gassard dated August 15, 1991; filed for record at Curry County Inst #1991 pg 4264.
7. Warranty Deed, Gowman to Gassard, dated July 25, 1991; filed for record at Curry County Inst #1991 pg 3985.
8. Bargain & Sale Deed, Gassard to Murray, dated August 15, 2001; filed for record at Curry County Inst #2001 pg 4139.
9. Composit Zoning Map, City and County

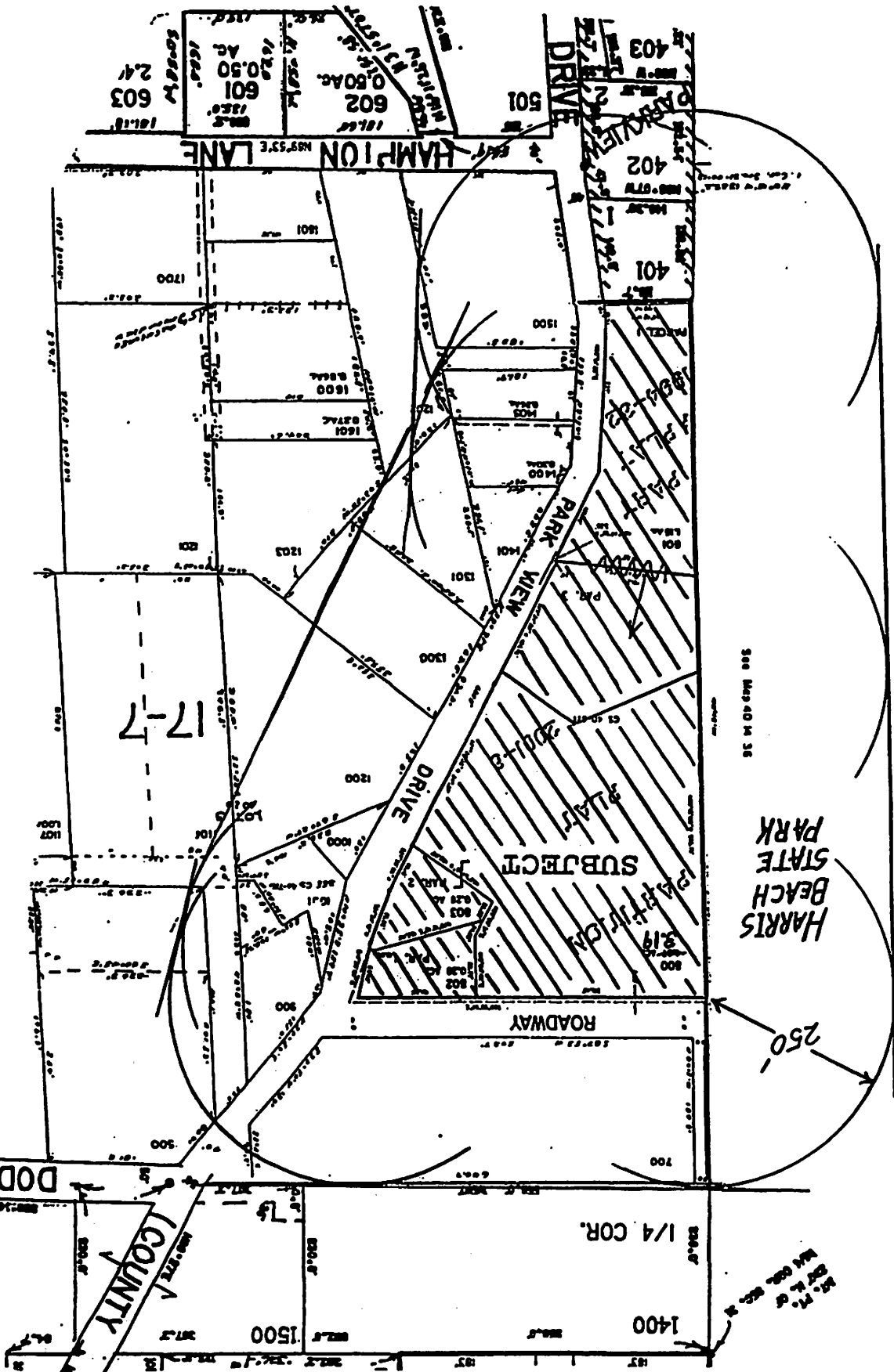
Part 1 Policies of the Comprehensive Plan

1. Statement of the Criterion:

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

a. Finding on this criterion:

The City has adopted as part of its Land Development Code a requirement that it notify property owners within 250 feet of a proposed action. Applicants are required to provide the City a list of owners of property within that distance. The first map printed below is a composite of Curry County Assessor Maps 40-13-31B and 40-13-31CB. [Map 40-13-31CB was reduced in size from its original 1" = 100' scale so that it would approximate the 1" = 200' scale of 40-13-31B.] The required 250' radius has been drawn from the subject property exterior boundary on this composite Map which appears on the following page.



Land to the west of the subject property is mapped on the second Notification map Assessor Map 40-14-36 which is attached to this application as Exhibit 2, and depicts land west of the subject as belonging to the State of Oregon as the "Oregon Coast Highway". The approximate shape of the Subject property has been sketched onto Map 40-14-36 for location and distance purposes. The third Notification map, attached in reduced form to this application as Exhibit 3, is Map 40 14-36AD. The southeast corner of this map lies northerly of the northwest corner of the Subject Property a distance of 239.8' ($2.5+40+197.3 = 239.8$) according to information on the Assessment Department maps. A 30' wide Public Utility Easement (P.U.E.) and Private Drive, listed as Tax Lot 209, lies adjacent the south boundary of that Map 36AD. The required 250' notification distance ends 10.2' north of the south R-o-W line of that PUE/Private Drive and within that R-o-W. That drive way, Tax Lot 209, is the only property which falls within the specified distance which requires notice to be mailed. Figure 1 provides ownership information for all lots touched by or included within the 250 foot distance.

Figure 1
Owners of Property Within 250'

Tax Lot Owner

On Map 40-13-31B

1400 Leon E & Jessie M Thomas, 17210 Parkview Dr, Brookings
1500 Robert L. Miller, 17080 Parkview Dr, Brookings

On Map 40-13-31C

401 Scott & Sonja Hunter, PO Box 442, Brookings
402 Richard & Judith Stapley, 1099 Prakview Dr, Brookings
501 John & Penelope Pohl, 1090 Parkview Dr, Brookings

On Map 40-13-31CB

500 Gary A & Elizabeth Wimberley, PO Box 329, Brookings
700 Leon E & Jessie M Thomas, 17210 Parkview Dr, Brookings
900 Roberta G Taylor, PO Box 6624, Brookings
1000 Roberta G Taylor, PO Box 6624, Brookings
1001 Bart E Kast, 740 B Pioneer, Brookings
1101 Consumer Electronics
Robin Sanders, PO Box 868, Brookings
1200 William P Welch Et Al, 95100 Edson Creek Trail, Gold Beach
1202 Elaine Bannister, PO Box 7860, Brookings
1300 Robert D & Nancy Covey, 16987 Parkview Dr, Brookings
1301 Kenneth C Burges Et Al, 2386 West Burnsade Apt A
Portland, OR. 97210
1400 James C Schutte, PO Box 632, Brookings
1401 Don & Lois Et Al, 4231 Kenneth Ave, Fair Oaks CA 95628
1403 Lucille Riolo, 16947 Parkview Drive, Brookings
1500 Elaine E Bannister, PO Box 7860, Brookings

On Map 40-14-36

State of Oregon, Oregon Coast Highway R-o-W

On Map 40-14-36AD

TL 209 PUE and Private Drive R-o-W
Harris Beach Estates PO Box 1746 Brookings 97415

b. Finding on this criterion:

Figure 1, was compiled from Curry County Assessment Department records of ownerships of all property within 250 feet of the subject. Ownership of the tax lots reported was determined from review of printouts obtained from the Curry County Assessors office.

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

CONCLUSION ON THIS CRITERION:

The requirement to provide names and addresses of owners of property within two hundred fifty feet has been met. We conclude this application is in compliance with Goal 1.

2. Statement of the Criterion:

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

a. Finding on this criterion:

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

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

it set forth basic parameters under which applicable Land Development Code criteria were developed. Through decision making based on the criteria of the Land Development Code, the City will ensure goal 2 parameters are carried forth.

3. Statement of the Criterion:

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

and

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

a. Finding on this criterion:

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

CONCLUSION ON THIS CRITERION:

Goals 3 and 4 do not apply to this application.

4. Statement of the Criterion:

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

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

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

a. Finding on this criterion:

Implementation measure 3. states "Brookings will use the Curry County zoning ordinance and the Comprehensive Plan to implement those policies which apply to areas within the Urban Growth Boundary Area..."

According to the Curry County Zoning map the subject property lies within the Brookings UGB and is zoned Residential. Tax Lots 800, 801, 802 and 803 are all zoned Residential R-1. The subject property is already slated for residential uses via County zoning although allowable density may differ under that ordinance from density which would be allowed upon annexation to Brookings and development under Brookings Land Development Code. Therefore, both City and County land use ordinances project residential use for the subject and by annexing this property the City will be fulfilling the intent of the County Zoning Ordinance and Comprehensive Plan.

b. Finding on this criterion:

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

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

CONCLUSION ON THIS CRITERION:

Goals 5 does not apply to this application.

5. Statement of the Criterion:

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

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

a. Finding on this criterion:

Environmental quality statutes, rules, standards and implementation plans are applied to development through implementation of measures such as safety and sanitation criteria of the state plumbing and building codes and standards and practices of transportation network design. These criteria are a facet of the permitting process which is required for development and they will be applied to development of the subject property upon approval of annexation and subsequent application for land division and building permits through the City.

Applicant and his Agents have discussed the topic of hookup to the City sewer and water systems on several occasions with City staff. Given approval of this annexation request, applicant intends division of the property and development of permitted uses. To do so will require extension of an 8" gravity flow, sewer main approximately 1300' along Parkview Drive. Water mains already exist in the R-o-W of Parkview Drive; however, it is not known at this time what if any improvement will be necessary to that piping system. Regardless the exact dimensions of sewer and water systems to be provided for such development; connecting new residential uses on the property to both municipal sewer and water systems will provide safe and sanitary systems and will protect the environment in a manner "consistent with environmental quality statutes, rules, standards and implementation plans".

CONCLUSION ON THIS CRITERION:

We conclude this proposal will be rendered consistent with environmental quality statutes, rules, standards and implementation plans through the development permitting process utilized by the City.

6. Statement of the Criterion:

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

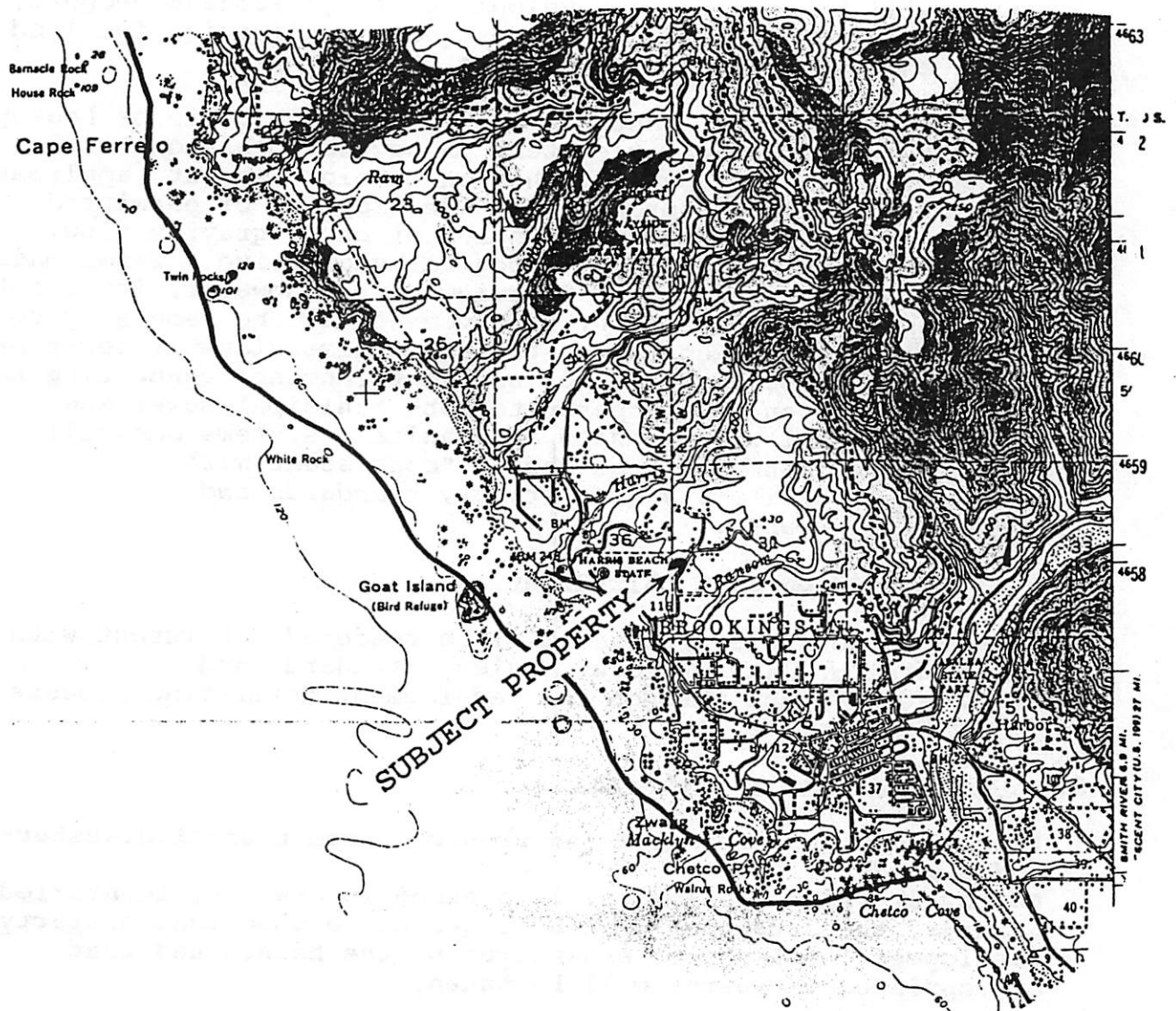
Policy 2. When development is planned in areas of identified hazards, the developer will be required to show that property development will not be endangered by the hazard and that appropriate safeguards will be taken..."

a. Finding on this criterion:

According to the Geologic Hazard Map of the Cape Ferrelo Quadrangle Oregon, published in Bulletin 90 Land-Use Geology of Western Curry County, Oregon 1976, the subject property is not located in an area of geologic hazard. That map shows the area of the subject as not color coded for any hazard. It is shown in plain white [background paper colored]. Explanations on this map indicate slopes generally tend to be 0-5%; with slopes locally varying from 0% to 15%.

A copy of appropriate portion of this map is reproduced below. Color coding does not show in this black and white printing.

Geologic Hazard Map



Mass Movement

Earthflow and Slump Topography: (areas less than 20 acres not shown)
 Moderately sloping terrain with irregularities of slope, drainage, or soil distribution; recent movement shown by tension cracks, bowed trees and others; most extensive in sheared bedrock areas; greatest activity where coastal retreat, stream-bank erosion, or steep-gradient streams remove material from the toe; hazards associated with inactive areas include variable foundation strength, caving in excavations, poor drainage, and others; development possible locally, but generally may reactivate or accelerate sliding; may also initiate sliding in previously stable areas.

The geologic hazard of most concern throughout Curry County and the City of Brookings is that of Earthflow and Slump Topography. It is easy to understand why the concern for earthflow and slump topography is important to the City and the County by review of the description provided for that type of hazard on that hazard map. It reads:

"Earthflow and Slump Topography: (areas less than 20 acres not shown) Moderately sloping terrain with irregularities of slope, drainage, or soil distributing: recent movement shown by tension cracks, bowed trees and others: most extensive in sheared bedrock areas: greatest activity where coastal retreat, stream-bank erosion, or steep-gradient streams remove material from the toe; hazards associated with inactive areas include variable foundation strength, caving in excavations, poor drainage, and others: development possible locally, but generally may reactivate or accelerate sliding; may also initiate sliding in previously stable areas."

The nearest occurrence of slump topography indicated on the Geologic Hazard map is approximately two miles distant to the north on the north side of a rather large ridge on which Black Mound is located and in the headwater area of Joe Hall Creek; and, a very small area along the western edge of the Dawson Tract north of Harris Beach adjacent the ocean approximately one and one quarter miles distant to the west. It is notable no indication of earthflow and slump topography appears on that Geologic Hazard map anywhere in the neighborhood of the subject property.

b. Finding on this criterion:

Preliminary review of topographic maps and on-site measurement of slope indicates the property is relatively flat with slope of 3% to 7%. There is a small drainage which traverses the property generally north to south near and generally paralleling Parkview Drive which may have steeper side slopes. The drainage is small and relatively shallow and may not interfere with building lots on the larger flat portions of the property. Section 100 of the Brookings Development Code addresses potential hazardous conditions. That section requires areas in excess of 15% slope be subject to review by an engineering geologist when divisions of land are proposed. Given approval of this request for annexation, the intent is to continue with land division application. Because overall slope is slight and nearly flat, necessity for review by a geologist is not anticipated. However, applicant is aware of the requirement for review and report concerning geologic information to consider any potential steep slope hazard.

CONCLUSION ON THIS CRITERION:

We conclude annexing the subject site is in compliance with Goal 7.

7. Statement of the Criterion:

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

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

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

a. Finding on this criterion:

The Comprehensive Plan, Goal 8 Inventory identifies many recreational sites and facilities in Brookings and surrounding areas. With regard the Subject Property, notable among those identified are Harris Beach State Park and Bud Cross Park. Bud Cross Park is located southeasterly of and is accessible from the subject by travelling south along Parkview Drive to Highway 101; travelling south on 101 to Ransom Avenue; and, easterly on Ransom two blocks to Bud Cross Park. By car the drive takes perhaps two to three minutes. The distance is approximately eight blocks. This park contains the municipal swimming pool, restrooms, baseball and softball fields, two tennis courts and a paved basketball court.

Harris Beach State Park is next door. The Subject Property lies adjacent this park which abuts it on the west. Harris Park has open and wooded areas, rest area and Information Center, nature trails, sandy beaches and picnic areas and public restrooms.

Harris Park and Bud Cross Park are existing parks which lie close by. Annexation and development of the subject property within the City limits encourages coordination between those recreational facilities and this proposal for future expansion of residential areas because the subject lies in close proximity to each. These parks can easily be accessed and utilized by children or adults because they are within walking distance of the subject property. Development of additional residential area in close proximity to these two, existing recreational facilities will assist the City to better utilize these facilities and coordinate the use of those facilities with future residential areas as proposed here.

CONCLUSION ON THIS CRITERION:

We conclude annexation of the subject property would serve to encourage better utilization of existing recreational facilities. This proposed annexation is in accord with Goal 8.

8. Statement of the Criterion:

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

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

a. Finding on this criterion:

The findings provided under Goal 9 in the Comprehensive Plan indicate Brookings had a narrow economic base at the time the Plan was adopted. Finding one indicates as follows: "The economic base in the Brookings area is relatively narrow and mostly dependent on the timber industry. The lumber and wood products industry accounts for over 60% of the basic jobs in the County, and there has been a continuing decline in timber harvested in the County since 1959. When interest rates are high, as is the case presently, money for the construction of new houses becomes relatively unavailable. This decrease in housing starts has a negative effect on lumbering activity in the area. As a result, Brookings can expect periods of time with high unemployment rates."

Economic conditions change from time to time and they have changed since the Plan was written. Current and past economic data indicate interest rates have both risen and fallen since then. Times have changed but still the concern voiced in the Plan remains valid. Encouragement of housing starts can have a positive effect on lumbering activity in the Brookings area.

b. Finding on this criterion:

Small area development will not solve the problem of a narrow economic base for the local economy pointed out in Article 9 of the Plan. Policy 2 of that Comprehensive Plan Article comes closest of all to addressing any economic impacts of small developments in residential areas such as is proposed here. Where it indicates:

"The City of Brookings will encourage the diversification of the City and the regional economy..."

Policy 2 sets out the import of even small area residential development. Small developments such as proposed here, will provide employment opportunities for those in the local home building and infrastructure construction industry; and, provide a boost to the local market through increased need for construction and building materials. Economic spin offs will accrue to other sectors of the local economy as well because increased spending by one sector manifests itself in increased spending by other economic sectors such as the service industries.

CONCLUSION ON THIS CRITERION:

We conclude this proposed annexation is in accord with Goal 9.

9. Statement of the Criterion:

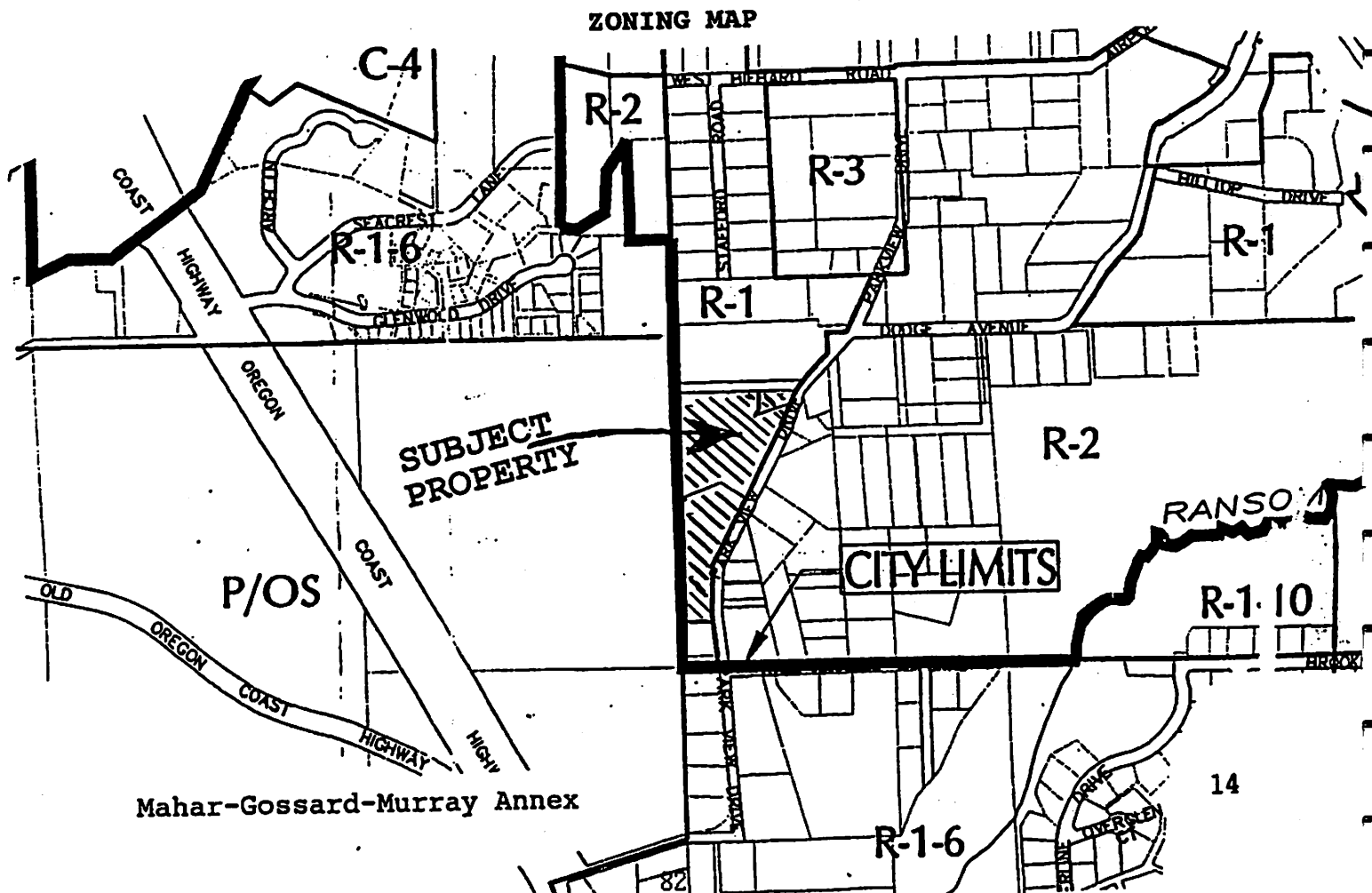
Goal 10: Provision of varied housing which is safe, sanitary and adequate for all residents of the community.
Policy 1. City shall not unduly restrict land development thereby artificially inflating the cost of both new and existing housing, but rather provide land in suitable quantities and encourage the construction of new residential units to meet increased demand.

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

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

a. Finding on this criterion:

All of the three separate ownerships which compose the subject property are located within the jurisdiction of Curry County. The County zoning applied to the subject property is Residential as shown on the Zoning Map below. Given approval of this request and upon annexation of the property City staff indicates the policy of the City is to provide zoning of like type; meaning the subject would have Residential zoning applied to it upon annexation to the City.



The City, for many years, worked to adopt and later amend an urban growth boundary to guide its growth and development. The process of UGB amendment hit a milestone in 1995 when the amended Boundary was adopted. The process of gaining Acknowledgment of that amendment by the Oregon Land Conservation and Development culminated after that Commission's action on the matter in May of 2001. The subject property was in the original Urban Growth Boundary and remains within that recently acknowledged boundary. It is therefore in an area planned to be developed to urban standards and densities. Through mutual policy decisions which guide the implementation of the urban growth boundary, both the County and City, and now with renewed concurrence from LCDC through another acknowledgement, have set out there intent the subject property is best utilized for residential development to urban densities and standards. The subject is located within a neighborhood of probable continued medium income housing and the goal is to continue to provide for growth (additional land for development) in that sector as it is to provide growth in other sectors.

The subject property is located adjacent an existing paved street and nearly all services, i.e. water, power, telephone, cable TV and etc. are located along this street. Upon approval, this request for annexation will allow extension of municipal sewer service lines to proposed development on the subject property. The extension of sewer service will allow more dense development in a sanitary fashion; and, because it is located in close proximity to recreational and commercial services of the neighborhood and community, annexation of the subject property will assist the City in attaining its goal to provide for a variety of housing which is safe, sanitary and adequate for all residents of the community.

CONCLUSION ON THIS CRITERION:

We conclude this proposed annexation is in compliance with Goal 10.

10. Statement of the Criterion:

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

Public Works:

A. Water treatment facilities will be maintained with the proper observation and planning to expand facilities on a timely basis to provide continued service to existing customers and projected growth.

B. Water distribution, pumping and storage construction will be constructed for new development by developers. The city council is presently reviewing methods of implementing a "pay as you go" development policy.

C. Wastewater treatment facility expansion programs will be funded through the most cost-effective methods utilizing all available federal, state and local funds.

D. All public works construction to serve newly developed areas will be on the "pay as you go" policy with developers designing and constructing new facilities in accordance with the city Standard Detail and Specifications adopted September, 1981

a. Finding on this criterion:

The city "Standard Detail and Specifications" quoted in the Plan have, over time since adoption of the Plan, been updated and amended. According to City staff the current document is referred to as "General Engineering Requirements and Standard Specifications" and was adopted in August 1998. Those standards are applied to all development and will be applied to development which may result from this application. The framework of public facilities and services is guided by implementation of those standards through the land use permit process, including building and plumbing permits. In conjunction with long term land use decisions already made through residential zoning having been placed on the subject property; engineering standards and zoning together provide the framework for urban development of this property.

CONCLUSION ON THIS CRITERION:

This proposal for annexation is in accord with Goal 11.

11. Statement of the Criterion:

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

a. Finding on this criterion:

Goal 12 does not directly apply to this application and need not be specifically addressed here. This is because City design standards for roads and streets are long standing and apply to all new development. Standards for design and construction of streets and roads to serve new development are contained in City ordinances which were adopted in response to the Comprehensive Plan. The act of the City adopting and now enforcing those standards implements the goal "to provided and encourage a safe convenient and economic transportation system". Given approval of this request for annexation, a subsequent application for division and development of the subject property will be processed in accord with current City standards for streets and other public facilities.

CONCLUSION ON THIS CRITERION:

Future development of the subject property will become consistent with Goal 12 through implementation of the design standards previously adopted and contained in the Brookings Land Development Code.

12. Statement of the Criterion:

Goal 13 To conserve energy.

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

a. Finding on this criterion:

The major shopping area of the City is located along the corridor of Highway 101. The subject property is located approximately one and three quarter miles by paved road from the intersection of Highway 101 and Fifth Street which is the approximate center of commercial uses within the City. Such close proximity to the major shopping area and major transportation route places the subject in a position which will assist the City in its desire to develop residential uses in close proximity to these features.

b. Finding on this criterion:

The subject property is located approximately one third mile from Highway 101, the major transportation route which traverses through the County and City. This drive should require two to five minutes. Therefore, annexation and subsequent development of the subject will result in short commute distances to this major traffic route. Similarly the close proximity of the subject to shopping, governmental and professional services tends to promote little travel in order for homeowners to travel to and from these services. Those services are one and three quarter miles distant to the southeast of the subject along Highway 101 near the intersection of Fifth Street. The subject lies adjacent Harris Beach State Park and is within a few minutes of City parks and the public schools. All these locational factors will result in the desired situation whereby driving distances for normal family activities are kept short as intended. Shorter travel distances between homes and schools, parks, government, professional and commercial services means less fuel consumed; less tire wear and etc. All of which translates into less energy consumption; whether the the energy consumption results from engine operation time, manufacture of tires or vehicle repair parts, these factors will help bring about the desired savings of energy.

CONCLUSION ON THIS CRITERION:

For the above stated reasons, annexation and subsequent development of the subject property is a development practice which will conserve energy.

13. Statement of the Criterion:

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

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

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

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

a. Finding on this criterion:

Based upon data included in the comprehensive plan and more recent data included in the amended urban growth boundary background documents, the City of Brookings and Curry County long ago decided the subject property was needed for urban growth of the City and have maintained that conclusion and circumstance to the present. The subject property was included within the urban growth boundary when the Brookings Comprehensive Plan was adopted in September, 1981. The subject property lies within the urban growth boundary amendments adopted by the City Council and Board of Commissioners on April 20, 1995. The subject property remains in the urban growth boundary at present and there was no challenge to its urbanizable status throughout the process of the boundary amendment through Periodic Review procedure. The amended Urban Growth Boundary has been Acknowledged by LCDC. The subject is and has been in the urban growth boundary and has been planned and zoned for urban residential development since the Plan was adopted. Therefore, the County has provided appropriate land-use designation for urban use; and, annexation of the subject property will assist in the stated desire to provide adequate areas to accommodate expected growth.

b. Finding on this criterion:

As demonstrated by the mapping contained in this application, the subject property is located adjacent the City Limit (see Zoning Map" on page 14). The Subject lies adjacent the west boundary of Harris Beach State Park which is the City Limit line. The City Limit extends north and south of the Subject property along that same line, the west boundary line. To the South of the subject approximately one hundred fifty feet, the City Limits run east along Hampton Rd and continue eastward in a straight line. The subject lies very near an "elbow" in the City Limit where portions of the City extend away from the point

of the elbow in two directions, North and East. Because the subject property lies adjacent this portion of the City Limit, it is surrounded in two directions by the incorporated area of the City. Annexation of the subject property will constitute the orderly outward growth of the City.

c. Finding on this criterion:

As demonstrated on the Zoning Map found on Page 14 of this report, the subject property lies contiguous with the City Limit. The stated policy is to not extend City services until land is annexed within the corporate limits of the City. Since most urban services are present in the area, as it applies to this neighborhood the policy is referring mainly to municipal sewer service. Upon annexation, extension of City sewer service presently existing along Parkview Drive neighborhood could then occur to the subject (in accord with the stated desire to extend City services only to areas within the corporate limits) which would allow full urban density as planned. Given approval of this application and annexation of the subject property, extension of City services to the subject will only occur "...to areas within the corporate limits..." of the City.

CONCLUSION ON THIS CRITERION:

We conclude annexation of the subject property is in accord with policies of Goal 14.

14. Statement of the Criterion:

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

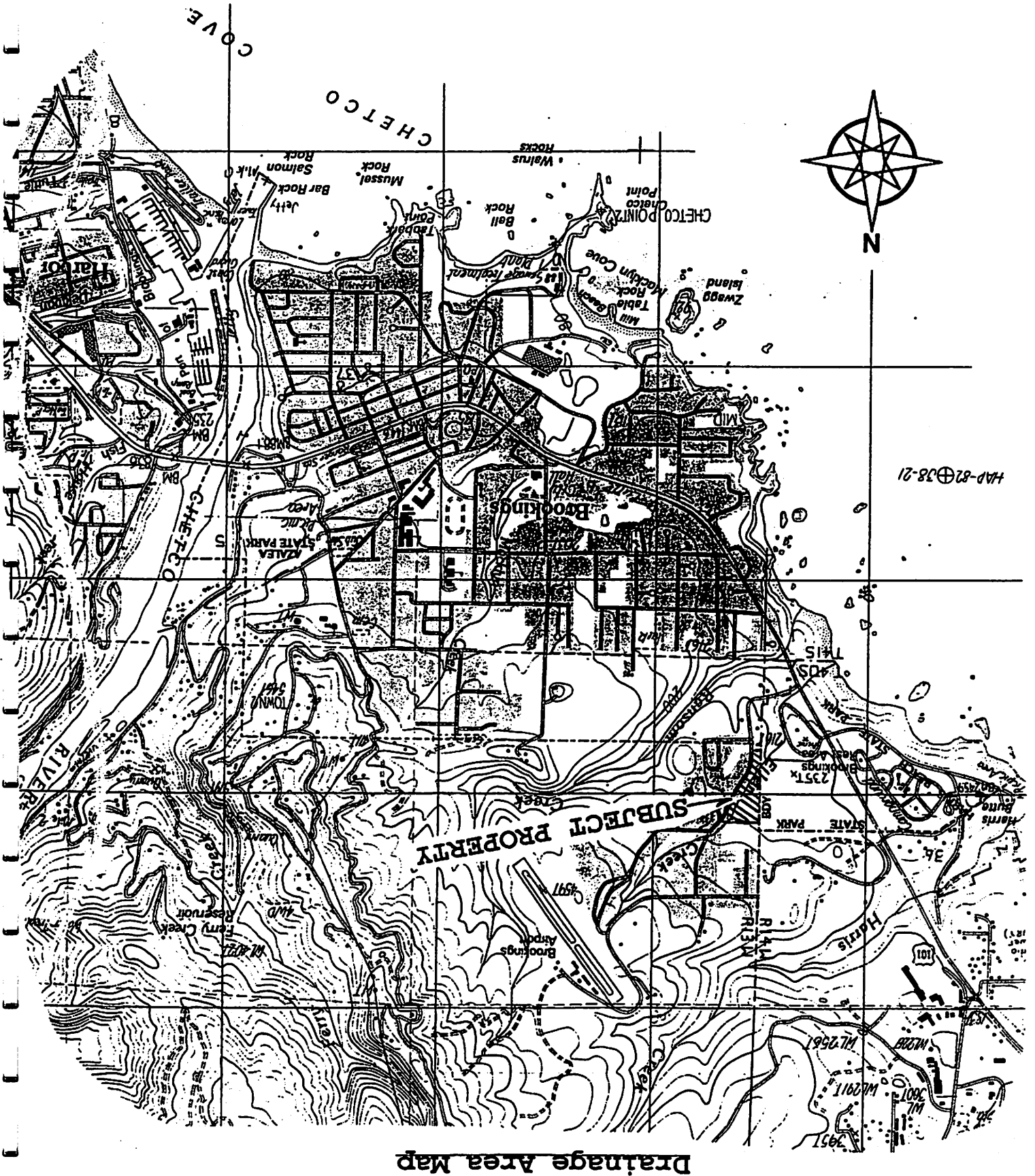
Goal To protect, maintain, and where appropriate restore or develop the long term environmental, economic, and social values, diversity and benefits of the Chetco River Estuary.

a. Finding on this criterion:

The Subject property is located more than two miles as the crow flies from the Chetco estuary. As can be seen on the Drainage Area Map on the following page, runoff from precipitation received on the subject property will drain to the Pacific Ocean along the small natural drainage which runs through the property adjacent Parkview Drive. This drainage is named Eiler Creek on the map. This small drainage reaches the Ocean near the intersection of Parkview Drive and Highway 101 approximately one half mile south, southwest of the subject. Therefore, development of the subject property will not significantly impact the Chetco estuary.

CONCLUSION ON THIS CRITERION:

Goal 16 does not apply to this application.



Drainage Area Map

14. Statement of the Criterion:

Goal 17 Coastal Shorelands

a. Finding on this criterion:

The subject property is located over one half mile from any Ocean shoreland and on the north extremities of the City as demonstrated by maps included in this report. The City lies between the subject and the ocean shoreland and resources.

CONCLUSION ON THIS CRITERION:

Goal 17 does not apply to this application and is not addressed here.

15. Statement of the Criterion:

Goal 18 Beaches and Dunes

a. Finding on this criterion:

The subject property is located on the north extremities of the City. It is over one half mile distant from any Ocean beach or dune. That separation distance and intervening space is occupied by either high density urban level development or the Visitors Center, Campground and other development of Harris Beach State Park.

CONCLUSION ON THIS CRITERION:

Goal 18 does not apply to this application and is not addressed here.

Part 2 Land Development Code, Section 148

1. Statement of the Criterion:

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

A. Vicinity map drawn to scale of 1" = 1,000' identifying the proposed area of annexation and existing city limits.

a. Finding on this criterion:

The requisite vicinity map appears on page one of this application. Additionally, other maps appear throughout this application which show the subject property and its relationship to other property and features of the surrounding neighborhood. The best vicinity map for this application according to City staff is Assessor 40-13-31CB on which the Subject Property is delineated. That map was submitted with the this application.

We conclude this application is in accord with this criterion.

2. Statement of the Criterion:

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

a. Finding on this criterion:

Assessor Map 40-13-31CB is attached to this application as required. Tax Lots 800, 801, 802 and 803 are the subject of this Request for Annexation. According to the records of the Curry County Assessor Department the owners of these lots are:

On Map 40-13-31CB

800 Mike Mahar 815 Alder Creek Drive, Medford OR 97504

801 Ken & Melody Gossard, PO Box 2641 Brookings OR 97415

802 Ben Murray, PO Box 665 Brookings OR 97415

803 Mike Mahar 815 Alder Creek Drive, Medford OR 97504,

No other property or ownership is included in this request for annexation. This proposal complies with this criterion.

3. Statement of the Criterion:

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

a. Finding on this criterion:

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

4. Statement of the Criterion:

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

a. Finding on this criterion:

The metes and bounds description of the subject property is as depicted on Map of Survey Property Line Adjustment, dated November 9, 2001 prepared by Lloyd Matlock, Registered Professional Land Surveyor (#2809LS).

That Map of Survey describes the subject property as follows:

A Parcel of land lying within the Northwest Quarter of the Southwest Quarter of Section 31, Township 40 South, Range 13 West, Willamette Meridian, Curry County, Oregon being more particularly described as follows;

Beginning at a 5/8" iron rod with yellow plastic cap stamped PLS 2809, said point being the Northwest corner of Parcel 1, Partition Plat 1994-32,

Thence N00 15'00"W, 565.78 feet;
Thence S89 55'54"E, 477.63 feet;
Thence S14 30'07"W, 75.50 feet;
Thence S21 34'10"W, 75.96 feet;
Thence S27 39'06"W, 317.50 feet;
Thence S29 27'20"W, 184.76 feet;
Thence S83 83'58"E, 6.24 feet;
Thence S27 39'06"W, 135.29 feet;
Thence S03 51'28"W, 207.01 feet;
Thence S08 42'11"E, 19.51 feet;
Thence N89 42'11"W, 120.94 feet;
Thence N00 15'00"W, 366.38 feet to the Point of Beginning.

5. Statement of the Criterion:

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

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

a. Finding on this criterion: Curry assessed valuation

The Curry County Assessor office indicates current real market value assessments as follows:

Tax Lot 800; Improvements \$ 16,920 = 1800 sq ft shop

Land	<u>76,720</u>
Subtotal	= \$ 93,640

Tax Lot 801; Improvements \$172,530 = Dwelling

Land	<u>55,630</u>
Subtotal	= \$321,800

Tax Lot 802; Improvements \$ 0 = None

Land	<u>24,000</u>
Subtotal	= \$345,800

Tax Lot 803 Improvements \$ 0 = None

Land	<u>24,000</u>
Total	= 369,800

b. Finding on this criterion: Acreage:

All calculations for this criterion are based on lot descriptions found on Map of Survey by Lloyd Matlock, Oregon Professional Land Surveyor No. 2809LS, for Adjusted Parcel 3 P.P. 2001-06(Tax Lot 800) and for Parcel 2 P.P. 2001-06(Tax Lot 803)

Acreages are: TL 800 = 3.19 Ac.,
TL 801 = 2.20 Ac. (88170 sq.ft.)
TL 802 = 0.28 Ac.
TL 803 = 0.28 Ac.
Total = 5.95 Acres

(a.3.) Map and Tax Lot Numbers:

All of these parcels are located on Map 40-13-31CB

(a.4.) Owners of Record

Owners of Record per County Assessor:

TL 800 & 803 Mike Mahar 815 Alder Creek Drive
Medford, Oregon 97504

TL 801 Kenneth E & Melody Gossard
PO Box 2641 Harbor, OR. 97415

TL 802 Ben Murray PO Box 665 Brookings, Oregon 97415

These ownerships are documented by Curry County Clerks Office recorded documents records as follows:

Warranty Deed, Gossard to Mahar, dated January 3, 2002, filed for record January 7, 2002 at Curry County Inst #2002 p0001 attached to this application as Exhibit 5.

Bargain & Sale Deed, Gowman to Gassard dated August 15, 1991; filed for record at Curry County Inst #1991 pg 4264 attached to this application as Exhibit 6.

Warranty Deed, Gowman to Gassard, dated July 25, 1991; filed for record at Curry County Inst #1991 pg 3985 attached to this application as Exhibit 7.

Bargain & Sale Deed, Gassard to Murray, dated August 15, 2001; filed for record at Curry County Inst #2001 pg 4139 attached to this application as Exhibit 8.

6. Statement of the Criterion:

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

a. Finding on this criterion:

There is one dwelling unit on Tax Lot 801 (Gossard) at 16960 Parkview Drive, Brookings, ORegon, 97415. There are no commercially assessed structures located on the Subject Property according to records of the Curry County Assessor Department.

7. Statement of the Criterion:

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

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

a. Finding on this criterion:

The Subject Property, Tax Lots 800 is occupied by one building which is a shop building of approximately 1800 square feet in floor area according to Assessor records. Applicant Mahars preliminary intent is to remove this building during land division process. Applicant Gossard owns Tax Lot 801 upon which a single family dwelling is located (16960 Parkview Drive, Brookings, Oregon, 97415) where they reside. Tax Lots 802 and 803 are vacant of structures.

The subject property lies within the jurisdiction of Curry County. The County Comprehensive Plan designates the property as Residential and the County Zoning Ordinance Map indicates all of the subject property is zoned Residential R1.

b. Finding on this criterion:

The Tax Lots 800, 802 and 803 are not served by either municipal or on site subsurface sewage systems. Tax Lot 801 where the Gossard dwelling is located is served by an on-site subsurface sewage system. The nearest City of Brookings Sewer Line is approximately 900 feet distant to the south of the subject within the right-of-way of Parkview Drive. City Water Lines lie in the adjacent R-o-W of Parkview Drive and extend beyond the subject to the north to the vicinity of the airport.

Parkview Drive is a paved, striped, two lane County Road No 752 which lies adjacent the Subject to the east.

There is considerable small lot development along the Parkview Drive neighborhood to the north, east and south of the Subject. All other services such as Telephone, cable TV and electric lines also exist and are in use in the vicinity.

According to Assessor Map 41-13-31CB, the subject property is located in an area of Curry County assigned tax code area 17-7. According to printed information distributed by the Assessors Office titled "Curry County 2000-01 Tax Roll Summary By Taxing Districts" the following special districts and other entities have taxing authority in this tax code area:

- School District 17-C
- Education Service District
- South West Oregon Community College
- Port of Brookings-Harbor
- South Curry Cemetery District
- Suburban Fire District
- Chetco Library District
- Coos Curry 4H & Extension
- Curry County General
- Curry Soil and Water Conservation

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

c. Finding on this criterion:

A complete array of Brookings area urban services is anticipated and desired to serve the area to be annexed to include: municipal sewer and water, Coos Curry Electric Cooperative electric service, Cable or Satellite TV, Police and Fire Protection.

Criteria Repeated:

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

7. Compliance with any of the below listed criteria A through E of subsection 148.030.

d. Finding on this criterion:

Issues regarding compliance with all applicable goals and policies of the comprehensive plan are discussed in Part 1 of this application and those findings are made a part hereof by this reference.

Issues regarding compliance with criteria A through E of subsection 148.030 are dealt with in the remainder of this Part 2 of this application below.

8. Statement of the Criterion:

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

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

a. Finding on this criterion:

Through out the land use planning process cities and counties were to establish urban growth boundaries in response to Statewide Planning Goal 14. The subject property is within the Urban Growth Boundary adopted along with the City of Brookings 1981 Comprehensive Plan. Additionally, the subject property lies within the expanded Urban Growth Boundary adopted by the City of Brookings and Curry County in 1995. The subject property lies within the Urban Growth Boundary amendments resulting from Periodic Review work task evaluations which were Acknowledged recently by the Land Conservation and Development Commission.

b. Finding on this criterion:

Goal 14 sets out seven factors local governments are to consider when establishing or changing urban growth boundaries. The City of Brookings and Curry County have worked during the past two and a half decades to first establish and then amend the Brookings Urban Growth Boundary in response to the charge of the seven factors of Goal 14. Inclusion of the subject property within the UGB has not been challenged during that time and has not been an issue during the process.

Two of the seven factors address ... "orderly and economic provision of public facilities and services" ... and ... "Maximum efficiency of land uses within and on the fringe of the existing urban area...". Following the adoption of the 1981 Comprehensive Plan the Land Conservation and Development Commission acknowledged the Brookings Comprehensive Plan (and the included Urban Growth Boundary) as being in compliance with the Statewide Planning Goals. Several years of effort by the City of Brookings and Curry County to amend the UGB resulted in changes the boundary in 1995 and subsequent LCDC Acknowledgment of that amendment.

Therefore, we conclude the proposed annexation is within the urban growth boundary and represents a logical, efficient and economical extension of the City boundaries. Further, annexation of the subject property is found to be a necessary control for development form and standards of an area adjacent to the City.

9. Statement of the Criterion:

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

a. Finding on this criterion:

As stated above the subject property was included within the UGB after consideration of the Goal 14 factors regarding economic provision of services and the Boundary was acknowledged by LCDC. The positive judgment regarding economic provisions of services to the subject property inherent in those decisions most probably resulted from its location in relation to the City and urban facilities. The east boundary of the subject is located adjacent the Parkview Drive. Water and sewer mains are located within the right-of-way of that street. Water lines are within the adjacent right-of-way. The sewer main is also in the right-of-way of Parkview Drive however that service line ends approximately 900 feet distant from (south of) the subject property. Other services such as power, cable TV, telephone, etc. are also located along this rights-of-way and, of course, the pattern of streets in the neighborhood.

b. Finding on this criterion:

Of paramount concern when developing urban areas with an eye toward "functional and economic provisions of services" is whether the area to be served drains down hill to the nearest existing sewer main. Put another way; will sewer lines be able to flow by gravity rather than having to rely on mechanical pumping stations to assist the flow of sewage to treatment facilities. The least expensive, and therefore the most economical, is normally gravity flow piping. Since the subject is located uphill from the existing sewer line, we conclude the proposed annexation will facilitate the functional and economic provision of services within the UGB.

c. Finding on this criterion:

City police and fire services and other services are in existence and use in the neighborhood south of Hampton Road which is the City Limit located approximately 150 feet south of the subject property. Adjacent land in Harris Beach State Park lying to the west is also located within the City Limits. The Subject Property has an area of approximately 5.95 acres. Mr. Hoag, applicants Engineer, indicates preliminary plans and designs are being developed to provide eleven lots for residential development on the Mahar property, Tax Lots 800 and 803. No immediate plans are known for development at this time of the Gossard (TL 801) and Murray (TL 802) property.

City services will not be significantly impacted by annexation of the subject and subsequent development of eleven homesites. The relatively small number of lots will not seriously impair City services to existing portions of the City. Development of the subject may indeed result in extension of systems to the property of greater size and serviceability than existing systems. The discussions contained in this application regarding impact analysis of the proposed annexation demonstrates the positive economic impact of the annexation. We conclude the proposed annexation will facilitate the functional and economic provisions of services within the Urban Growth Boundary without seriously impairing city services to existing portions of the city.

10. Statement of the Criterion:

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

a. Finding on this criterion:

The Gossard property is developed with one dwelling. The Mahar and Murray properties are currently vacant of residential

uses. The Mahar property is developed with one shop building (1800 sq.ft.) which will likely be removed during subdivision work. Applicant Mahar's Engineer (Mr. Hoag) and Agent (Mr. Capp) have discussed potential development of his property with City Planning and Public Works staff. We have been advised to and are designing toward extension of an eight inch sewer line from the present terminus approximately 900 feet south of the subject property and in the right-of-way of Parkview Drive. A sewer line ends in the ninety degree turn near the retirement home on Parkview. We have also been advised there is an existing water system in the Parkveiw Drive and Dodge Avenue neighborhood. Based on old mapping from City records and on discussions with City staff, there area City water mains along Parkview Drive and Dodge Road in the vicinity. The mapping indicates a six inch water line in R-o-W of Parkview adjacent the subject. City staff indicates a problem of inadequate water presure exists in the area toward the Airport. At time of this submittal, applicants engineer, Mr. Hoag is working with City staff to determine what, if any, improvement may be necessary to the existing water system.

The property is in the urbanizable area and lies immediately adjacent City limits and existing water and other urban services. An eight inch sewer line is to be installed to provide sewer service to the Mahar property. That will solve the problem of no current sewer service to the area. The existing water system may be utilized depending upon discussions between applicants engineer and City staff. This process will ultimately allow a full array of urban level services to proposed development on the subject property and will provide a needed solution to potential problems of inefficient use of urban areas. In order to bring about the intent to urbanize the subject property inherent in City and County Comprehensive Plans, which depict the subject as urbanizable land, annexation must occur so that a full array of urban services (most notably sewer service) may be extended thereby avoiding the problem of inefficient use of urban land.

11. Statement of the Criterion:

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

a. Finding on this criterion:

The Brookings Comprehensive Plan, dated September, 1981, sets out identified needs for urban residential land. The Plan indicated at that time there was a need for 673 dwelling units within the Urban Growth Area. The subject property, along with neighboring land, was included within that Urban Growth Boundary to accommodate a portion of that identified need. Although the exact number and layout of lots is presently not certain, applicants engineer, Mr. Hoag, indicates an anticipated

development of eleven lots through later division of the property given approval of this annexation request. This would constitute a small portion of the identified need. This proposal will provide a portion of the needed residential growth of the City as stipulated two decades ago in the Plan.

We conclude the proposed annexation will add property to the city which is needed to provide an adequate supply of zoned lands for use as projected in the comprehensive plan.

12. Statement of the Criterion:

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

a. Finding on this criterion:

As indicated above, the Brookings Comprehensive Plan of 1981 set out identified needs for urban residential land at that time for 673 dwelling units within the Urban Growth Area and the subject property was included within that boundary to supply a portion of that need.

b. Finding on this criterion:

Since adoption of the Plan in 1981 there have been two major amendments to the Urban Growth Boundary. The first of those amendments occurred in May 1995 after several years of study by the City and by outside consultants. The 1995 amendment to the boundary increased the size of the Urbanizable Area. Again in 2000 the City and County considered and prepared to adopt amendments to the UGB which were in response to Periodic Review work tasks. These amendments also verified the need for increased urbanisable area. Throughout this past decade of study and restudy of the Brookings Urban Growth Boundary there has been no question raised and no issue has developed over whether the subject property should remain within the Boundary and the urbanizable area. The later needs analysis indicating greater needs for all classes of urban land help to underscore the original decision of the City the subject property is urbanizable, is needed for urban development and should be developed under and to urban development standards once annexed to the City. We conclude the lands within the boundaries of the proposed annexation are demonstrated to meet identified needs for urbanization and/or transportation networks.

13. Statement of the Criterion:

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

development to densities as designated in the plan following annexation.

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

A. A statement of the municipal service needs, if any, of the territory proposed to be annexed, including police and fire protection; public sewer and water supply facilities; street improvement or construction, or both; and such other municipal services that may reasonably be required.

a. Finding on this criterion:

Development of the site will require municipal police and fire protection. The July, 2001 population estimates for the City of Brookings as published by Portland State University Center for Population Research was 5,680 persons. The 1990 US Census reported 2.38 persons per household. Extrapolating from those figures results in 2,363 households within the City. An addition 11 dwelling units as proposed by Mahar would be an increase in the number of households in the City equivalent to 0.004 or less than one half percent of the existing number of units. A one half percent increase in the number of dwelling units subject to police and fire coverage is not great; particularly so considering the Brookings Fire Department serves the Suburban Fire District which is a large area surrounding the City. The percentage of development the Mahar property would be of actual dwelling units presently served by the District and City combined is lowered to about one fourth of a percent (.0025 or 1/4%). Fire Chief Sharp and Police Chief Chris Wallace have confirmed this level of development would not be a significant impact to police and fire services.

Municipal sewer and water will be required for development and, as indicated, these services are presently existing and in use in the neighborhood and will be utilized or extended by the applicants to serve the subject property. We contacted Mr. Iverson at the treatment plant for information regarding City water and sewer capacities as directed by Mr. Bischoff. City staff and applicants engineer are in the process of determining water system needs to serve the area requested to be annexed.

14. Statement of the Criterion:

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

a. Finding on this criterion:

The July, 2001 population estimates for the City of Brookings as published by Portland State University Center for Population Research was 5,680 persons. The 1990 U.S. Census reported an average of 2.38 persons per household. Accordingly, extrapolating from those figures results in 2,386 households within the City.

The apparent maximum potential of perhaps 11 lots/dwellings on the Mahar property as designed by Engineer Hoag indicates that resulting development would add approximately 26 persons. Due to shape and size requirements Tax Lot 802 could probably add a maximum of 3 lots. Due to existing constraints of size and shape, the placement of the existing residence and the depth and course of Eiler Creek, the Gossard property may be limited to four to six or fewer lots. No design for land division to City Land Development Code has been developed for either the Gossard property (Tax Lot 801) or the Murry property (TL 802). A reasonable estimate for buildout of the three ownerships is probably a total of 19 or 20 residential lots.

The proposed Mahar design for eleven dwelling units equates to less than 1/2% (0.004) of existing households in the City and 26 persons equates to less than 1/2 % (0.004) of the City population. These are not great increases in existing conditions and these increases would not cause a great impact on municipal services.

b. Finding on this criterion:

The developer of the project will construct all streets and utilities necessary to develop the site. Richard Nored of HGE [Consulting Engineer for the City of Brookings] estimates costs for developing a street to City standards, including curbs, gutters and sidewalks on both sides, would be in the range of \$200 to \$250 per lineal foot. The cost to provide utilities (sewer, water and storm drainage buried) will likely range from \$100 to \$150 per lineal foot. As stated elsewhere in this application, utilities and services are already in existence in the area. The developer will be responsible for extension of those services.

15. Statement of the Criterion:

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

a. Finding on this criterion:

The principal source of additional revenue to the City of Brookings will be property taxes. Assessor Maps for private property in the City and in the vicinity of the Subject as being in Tax Rate Code area 17-1. We assume tax district 17-1 will be applied upon annexation. The pamphlet "2000-01 Curry County Property Tax Rate Summary" reflects the following taxing authorities and rates.

<u>TAX CODE AREA 17-1</u>			
School District 17-C	3.2494		
Education Service District	0.4432		
South West Oregon Community College	0.7017		
EDUCATION TOTAL	4.3943	4.3943	
City of Brookings	3.7631		
Port of Brookings-Harbor	0.1249		
South Curry Cemetary District	0.0368		
Chetco Library District	0.4256		
Curry Co. 4H & Extension Service	0.1021		
Curry County General	0.5588		
TOTAL GOVERNMENT	5.0113	5.0113	
City of Brookings (not subject to Mes 5)	0.2735	0.2735	
Brookings Harbor Health	0		
Curry Soil and Water Conservation	0		
TOTAL CODE RATE	9.6791	9.6791	

The total City tax rate in area 17-1 is 4.0366. Figure 2, below, reports the assessed value for land and improvements on the land of several neighborhood lots. This information provides base value for existing neighboring development.

Figure 2
Neighboring Property Value

<u>Tax Lot</u>	<u>Improvements</u>	<u>Land</u>	<u>Total Value</u>
<u>On Map 40-13-31B</u>			
1500	93,330	60,090	153,420
<u>On Map 40-13-31CB</u>			
500	273,990	90,890	364,880
800	16,920	76,720	93,640
801	172,530	55,630	228,160
900	81,160	47,450	128,610
1001	112,230	47,200	159,430
1400	110,390	51,520	161,910
Total Assessed Values =			1,290,050
Average Value (7 lots) =			184,292

The Subject Property is currently developed with only one residence. Currently the City derives no tax revenue from the subject property because the property is not within City Limits. According to information from the Curry County Assessor Department, the current (2001) total tax rate for the City of Brookings in Tax Code Area 17-1 is 4.0366 per \$1000 assessed value. Utilizing the average value of the seven developed neighboring lots in the area of the subject but outside the City (which carries the assumption development on the subject would equate to existing neighboring development), the following calculations of low and high estimates of annual tax revenues potentially gained by the City through annexation of the subject property apply:

It should be noted Mr. Mahar anticipates development of higher than average value homes. Current consideration is for an eleven home gated neighborhood with eleven homes averaging approximately \$300,000 value. That aside we continue the calculation utilizing existing average value.

Assumption: Development will occur to the average value of existing developed lots in the neighborhood (which as reported above is \$184,292).
Thereby development of 20 lots X \$184,292 (ave value) =
\$3,685,840 X 4.0366/\$1000 (tax rate) = \$14,878.26
Therefore, \$14,878.26 per year of additional tax revenue would accrue the City.

As stated the preference of one of the owner applicants is to develop a subdivision wherein average home value is approximately \$300,000. This intent would result in an even greater annual tax revenue.

Assuming development of eleven homes at an average value of \$300,000 would result in the following tax revenue calculation.

11 lots X \$300,000 X 4.0366 (tax rate) = \$14,407
Then remaining potential of nine homes calculated as above would thereby result in development of 9 lots X \$184,292 (ave value) =
\$1,658,628 X 4.0366/\$1000 (tax rate) = \$6,695.18

Therefore, \$21,102.18 per year of additional tax revenue would accrue the City.

b. Finding on this criterion:

Additional revenues would accrue the City from utility billings to new development. City staff estimates monthly utility bills within the neighborhoods probably average \$55 to \$60 per month. Potential low and high revenue projections can be estimated based on the average neighborhood utility billing factored by the number of dwellings added. The following calculations provide an estimate of potential revenues from utility bill payments:

Subsequent subdivision and development to twenty (20) lots would result in that many additional utility billings to produce

revenue for the City. The revenue derived from \$55 per month utility bills for 20 lots/dwellings would produce an additional \$13,200 per year to the City. [$\$55/\text{Mo} \times 12 \text{ mo} \times 20 \text{ dwell} = \$13,200$].

c. Finding on this criterion:

New families occupying the residences will also contribute to the local economy through the purchase of goods and services from local businesses. Spending habits of individuals is a matter of conjecture, however, for the sake of discussion we conservatively assume here the average family of three will spend between \$300 and \$500 per month in the community for food, clothing, transportation, and other similar living expenses. Therefore, the following calculations apply:

Given partition of 20 lots with associated dwellings; an additional \$72,000 to \$120,000 consumer spending per year would be spent in the community by inhabitant families on living expenses.

16. Statement of the Criterion:

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

a. Finding on this criterion:

Potential impacts to property within existing City limits and outside the City will be minimal. Land adjacent to the West is Harris Beach State Park property which is occupied by the State Rest Area and Visitors Center. Intervening forested area between those facilities and the subject will prevent negative impacts. As stated earlier in this application, City street patterns, utility and other services and police and fire protection currently exist in the well developed vicinity. Extension of these services to development on the subject property will, as a result of this proposal, be accomplished as planned in the Comprehensive Plan and Urban Growth Boundary documents which led to the decision to ultimately urbanize the Subject Property.

17. Statement of the Criterion:

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

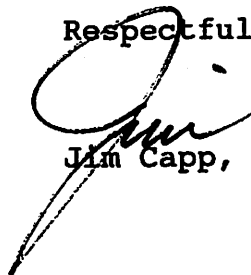
a. Finding on this criterion:

As reviewed in this Application, the proposed annexation is in compliance with the criteria for annexation contained in the Brookings Land Development Code. Long ago the City developed and published its projected growth patterns in the Comprehensive Plan and Urban Growth Boundary documents. Annexation of this small property will not bring about all of the plans and aspirations of the City. Annexation of the subject property will assist the City to reach its goals for residential growth and development as stated in the Plan. Because the subject lies adjacent existing, paved streets and other utilities and services, development of the subject property will occur in an efficient manner with little impact to existing services and neighborhoods.

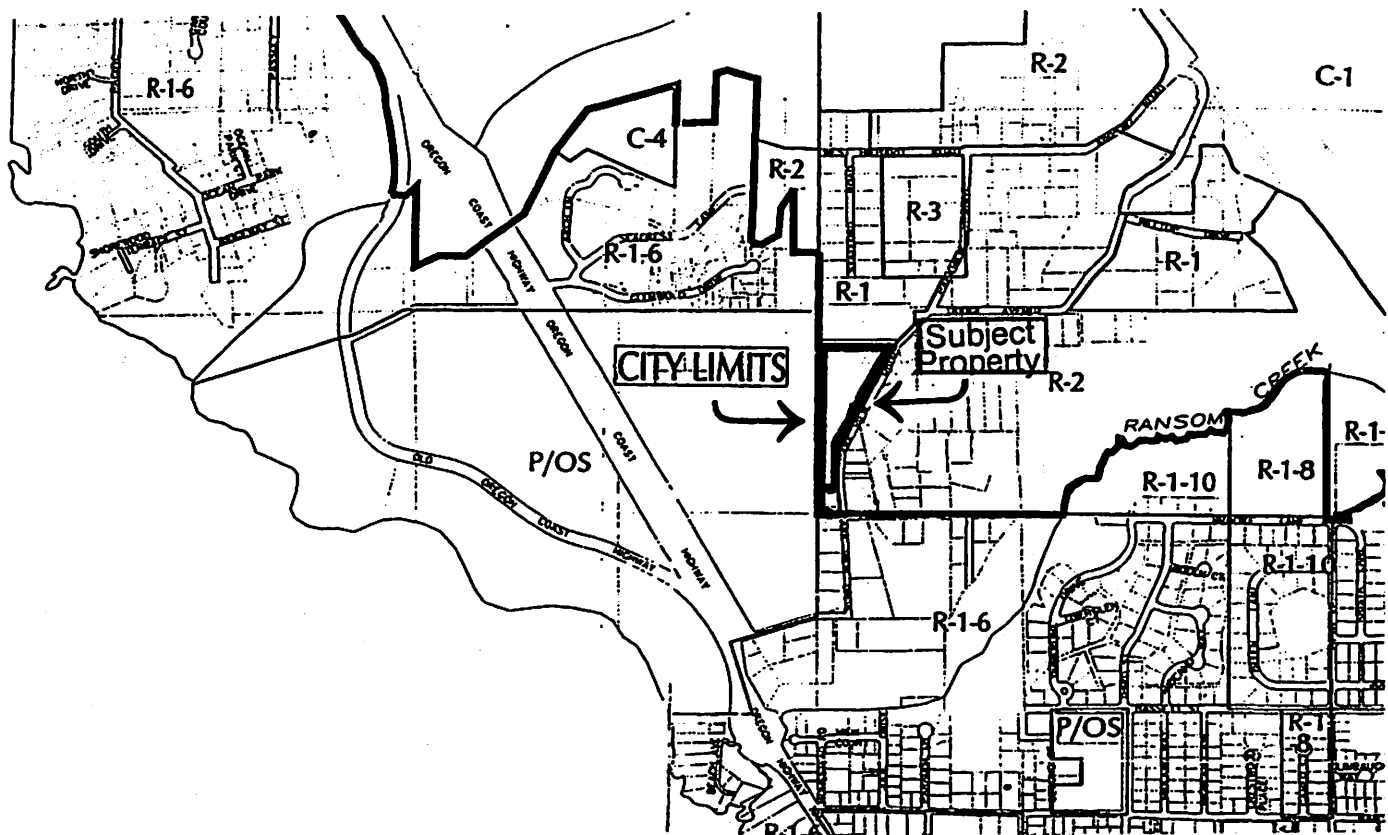
CONCLUSION:

Because the proposed annexation has herein been shown to comply with provisions of the Brookings Comprehensive Plan and Land Development Code which regulate annexations, we request approval of this application.

Respectfully submitted:



Jim Capp, Agent



Applicant: Mahar, Gossett, Murray

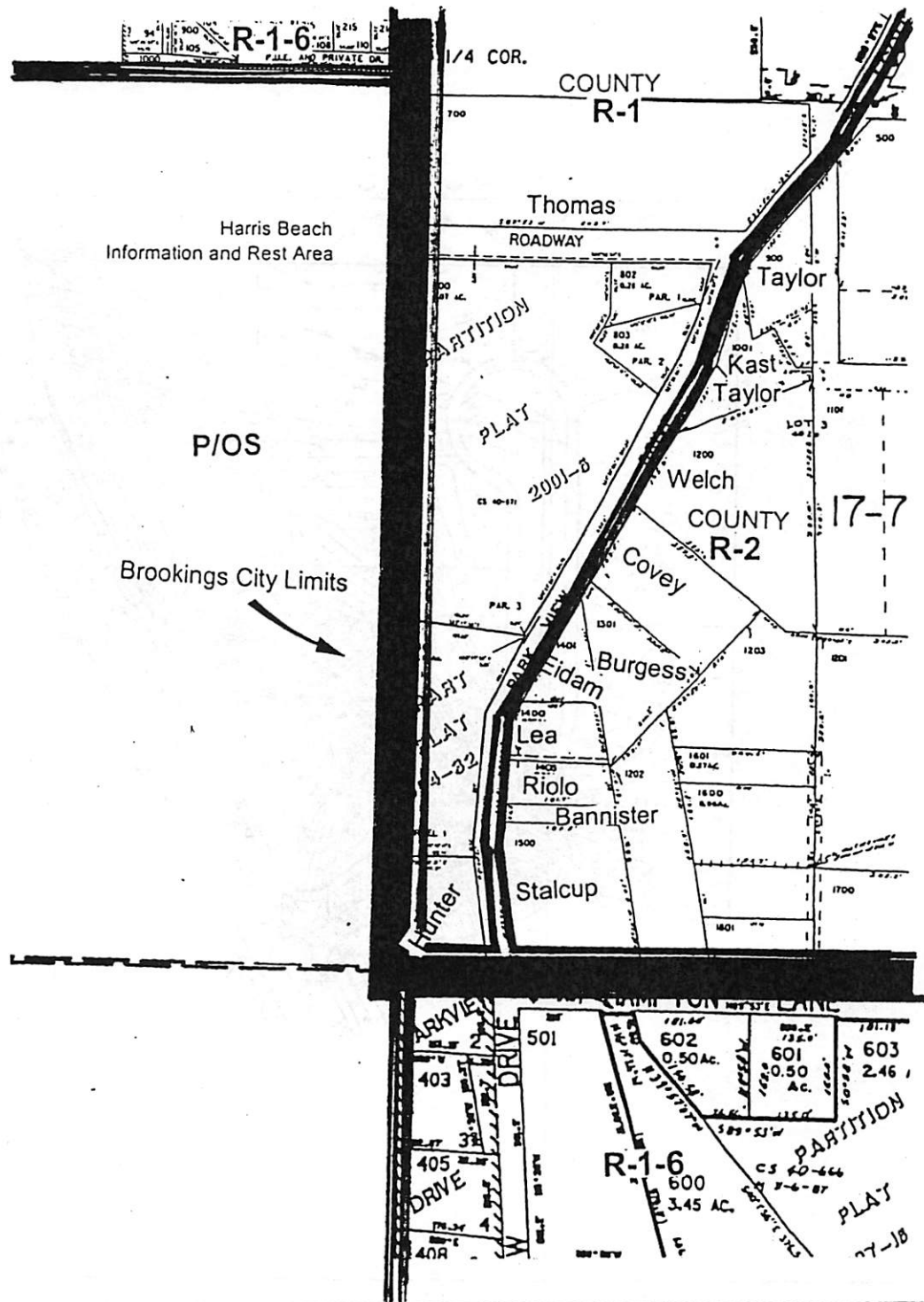
Assessor's No: 40-013-31 CB Tax Lots 800, 801, 802 and 803

Location: Parkview Drive, easterly of existing city limits

Size: 5.78 acres

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





Applicant: Mahar, Gossett, Murray

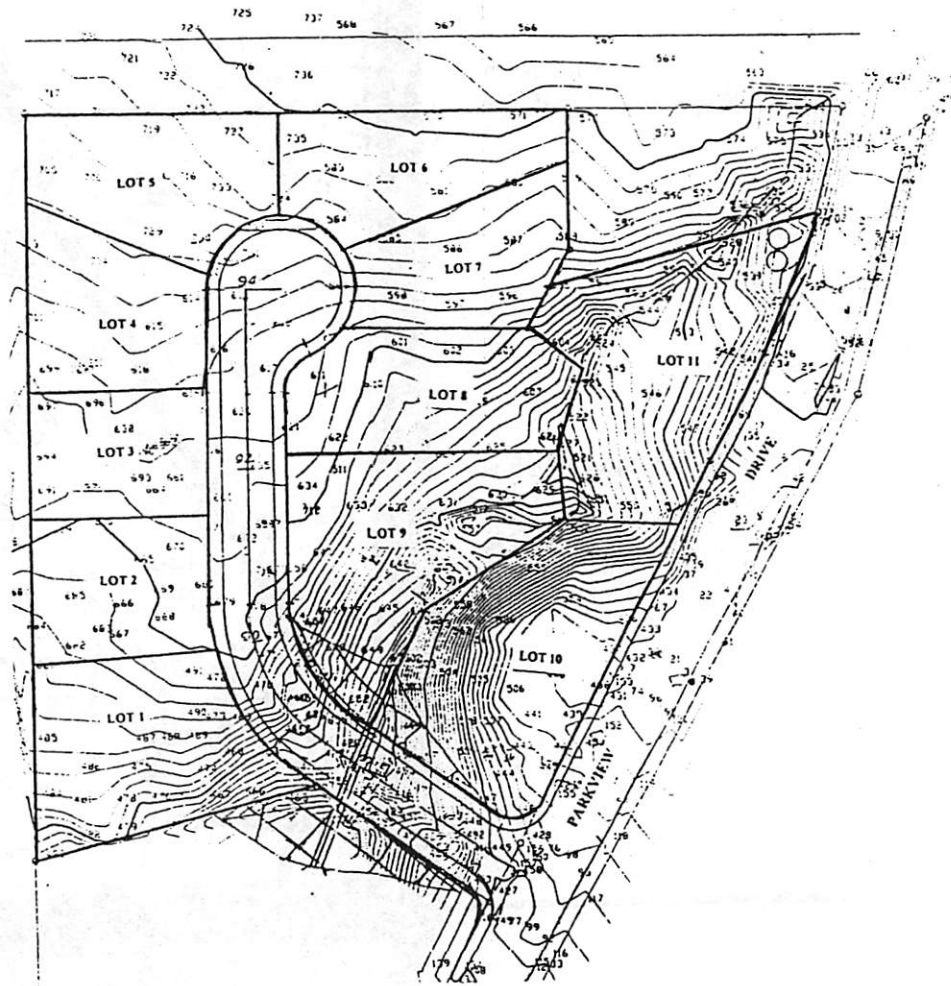
Assessor's No: 40-013-31 CB Tax Lots 800, 801, 802 and 803

Location: Parkview Drive, easterly of existing city limits

Size: 5.78 acres

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





Applicant: Mahar, Gossett, Murray

Assessor's No: 40-013-31 CB Tax Lots 800, 801, 802 and 803

Location: Parkview Drive, easterly of existing city limits

Size: 5.78 acres

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



D. Marina Heights:

- located on the Northeast side of Brookings.
- subdivision is served by city water; with individual septic tanks; water and sewer plans show further expansion and extension of lines into the area.

E. North Bank of the Chetco River:

- parcels of land between the Eastern city limits and the Ferry Heights area.
- served with city water, septic tanks; city water can be extended further into the area, but city sewer will require further study as it may require a pumping station.

F. Lands directly North of Brookings city limits:

- serviceable by city water and sewer.

No significant impacts on air (including noise control), land or water quality are expected as a result of orderly development (with sewers) in the urban growth area.

The same criteria used in determining the City's ability to accommodate needs were applied to the lands listed above. Reference is made to Housing Needs Projection section of Goal 10-Housing and the inventory of Goal 14.

2. The following figures summarize residential land needs beyond the Brookings City limits and within the Urban Growth Boundary.

Brookings	1,191 D.U.
U.G.A.	<u>673 D.U.</u>
NEEDED	1,864 Dwelling Units

Land Available and Suitable for Residential Development:

Brookings	819.0 D.U.
U.G.A.	<u>1,078.8 D.U.</u>
AVAILABLE	1,898 Dwelling Units

3. Commercial land needs are shown on Table 2, Industrial and Commercial needs in the Inventory, page Commercial vacant land needs within the urban growth area outside the Harbor Sanitary District Boundary are summarized as follows:

Brookings	63+ acres
Harbor Sanitary District	<u>34+ acres</u>
NEEDED	97+ acres

Memo

To: John Bishcoff, City Planning Director
From: Joe Ingwerson
Date: March 14, 2002
Subject: Annexation File ANX-1-02

John,

The proposal to build 20 new homes in the Parkview area will not adversely affect the Water or wastewater treatment plants at this time.

As a note: the Water Treatment Plant during hot dry summers has been at maximum capacity in the past. As we add new homes to the system it will impact our ability to supply enough water to our customers during drought conditions.

Thank you,


Joe Ingwerson
Chief Treatment Plants Operator



Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

Region 3

3500 NW Stewart Parkway

Roseburg, OR 97470

(541) 957-3500

FAX (541) 957-3547

March 18, 2002

John C. Bischoff, Planning Director
City of Brookings Planning Department
898 Elk Drive
Brookings, Oregon 97415

RE: Mahar Annexation (ANX-1-02)

John
Dear Mr. Bischoff:

This correspondence is to provide comments on the proposed annexation of 3.47-acre parcel into the city. This parcel is located just east of the Harris Beach State Park Rest Area boundary. The Oregon Department of Transportation (ODOT) determined that the proposed project is not expected to have a significant effect on state transportation facilities.

We appreciate the opportunity to provide assistance on the proposed annexation, and look forward to working with the City of Brookings in the future. If you have any questions or need additional information, please contact me at (541) 957-3692.

Sincerely,

Thomas Guevara
Short Range Planner

Cc: Ron Hughes, Access Management Engineer
Jeff Waddington, Permits Specialist

April 2, 2002

Chairman, Planning Commission
Planning Commission Members

RE: Annexation—Mahar/Gossard
File No. ANX-1-02

Dear Chairman and Members:

Please read and accept the following comments as apart of the record for the annexation proceedings. I have lived in the area since 1960 and have several concerns.

After reviewing the annexation application prepared by Mr. Capp, three items were inadequately addressed, given the current area where the subject property is located. The following are my concerns and recommendations for your consideration.

Goal #8 of the state planning goals, deals with recreational needs i.e. setting aside land for parks, etc. In the annexation application's discussion, two recreational areas were referenced as useable and adequate for the subject property: Harris Beach Rest and Information area and Bud Cross Park. I disagree with this assessment.

Both these park areas are not directly accessible to the Parkview Drive neighborhood and access must be gained by first driving to Hwy 101 and then onto the necessary egress/access streets. This puts pressure on those streets and facilities that are already in use by the neighborhoods located nearer these facilities.

Please consider for recommendation designating recreational land in the neighborhood of the subject property that is to be annexed. (More discussion of this is below, in Goal #11.) The Parkview Drive area is an area that has become very populated in the recent years and this area's recreational needs should receive serious consideration now.

Goal #11 of the state planning goals, deals with public facilities and services. In the annexation application's discussion, there was no discussion for provision of surface/storm drainage run-off infrastructure. For Parkview Drive, the surface/storm drainage is conveyed by a system of creeks, natural slopes and culverts, beginning at the airport areas and ultimately ending up in two creek drainage areas at the lower end (at Hwy 101). These creek areas then convey the run-off to the ocean by use of culverts that pass under and through Hwy 101. One creek drainage area is Ransom Creek, collecting and conveying water generally on the southerly (relative south) side of Parkview Drive and Eiler Creek, which is located on the northerly (relative north) side of Parkview Drive.

Eiler Creek runs through the subject property and is key for storm/surface drainage conveyance for the Parkview Drive area. In addition, visual inspection reveals that the natural vegetation that covers the area on the subject property, are species of plants that are typically located around wet/drainage areas.

Please consider for recommendation that the applicants dedicate to the public, a right-of-way strip, 15 to 20 feet wide, along and including Eiler Creek, for the provision of storm/surface drainage not only for the subject area, but for the Parkview Drive area as a whole. Then this dedicated strip could be developed in the future as a bicycle path that

would run along the creek, with direct access into the Harris Beach Information and Rest area, which would comply with Goal #8.

Goal # 12 of the state planning goals, discusses transportation. The annexation application's discussion states that the subject property is serviced by "...a two lane, striped road...". More discussion is needed to convey to you the physical situation that currently is dangerous. To add additional pressure to the road in this area, would only degrade the situation, and increase the probability of accidents, etc.

Parkview Drive is a rural road, now seemingly being used as an urban street in the area of the subject property. Over the years the pressure on the road has increased tremendously as the area has gained popularity as a living area and as the airport has developed. Unfortunately, the physical condition of the street has not been upgraded as long as I have lived in the area, excluding the recent culvert replacements that had to be done because of failing pipe.

Between the subject property and the existing city limit line (approximately 300 feet), there are numerous driveway accesses that lack adequate site distances. Sidewalks, curbs and gutters do not exist. Visual inspection reveals road subsidence in several areas, indicating substructure failure and there is need for an overlay now. Shoulders areas do not exist all the way and ones that are in existence, lack width and are either dirt or gravel surface. The street width is inadequate for accommodating pedestrians, vehicles and bicycles. A sharp, compound "elbow" curve exist, where shoulder areas are used for parking. There is inadequate signage and excessive vehicular speeds are noted. Regular enforcement of traffic/parking violations does not exist, which really wasn't needed until relatively recently. Pedestrians and bicycles are common now and when coming into the "elbow" curve and there are cars in both lanes and pedestrians, the street width cannot adequately accommodate the situation.

Please recommend that the application be conditioned with the provision that the applicants fund (or a portion thereof) a study of the roadway infrastructure between Hwy 101 and the subject property which would analyze the current and future vehicular and pedestrian use, existing infrastructure, and make recommendations for mitigating alternatives that would increase the safety. It is understood that a portion of the street lies in the county. If that is a problem administratively, perhaps the county portion should be annexed as a city street. To annex areas that would increase the pressure on this street without mitigating the impacts or preparing for them, is not fair to those of us exposed to the unsafe conditions daily.

In closing, please consider the aforementioned carefully when preparing your recommendations to the City Council. The subject property is a good area for a residential subdivision but its annexation needs to be carefully reviewed, so that its addition to the neighborhood does not degrade the safety, livability or quality of life for the inhabitants.

Thank you.

Sincerely,



Robin Sanders
17040 Wimberley Ln
Brookings, OR

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

In the matter of Planning Commission File No.)	Final ORDER
ANX-1-02; application for approval of an annexation,)	and Findings of
Mike Mahar, Ken and Melody Gossard and Ben)	Fact
<u>Murray applicant.</u>)	

ORDER approving an application for an annexation of a 5.78 acre parcel of land located adjacent to the westerly city limits on Parkview Dr. on the east and Harris Beach State Park on the west; Assessor's Map 40-13-31CB, Tax Lots 800, 801, 802, and 803;

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with Section 148, Annexation, of the Land Development Code; and,
2. The Brookings Planning Commission duly considered the above described application on the agenda of its regularly scheduled public hearing on April 2, 2002; and
3. Recommendations were presented by the Planning Director in the form of a written Staff Agenda Report dated March 18, 2002, and by oral presentation, and evidence and testimony was presented by the applicant and the public at the public hearing; and,
4. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the Planning Commission, upon a motion duly seconded, accepted the Staff Agenda Report and recommended that the City Council approve the request, and
5. The Brookings City Council duly considered the above described application in a public hearing at a regularly scheduled public meeting held on April 22, 2002, and is a matter of record; and
6. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the City Council, upon a motion duly seconded, accepted the Planning Commission's recommendation and approved the request; and

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

FINDINGS

The applicants' findings are the primary findings in this matter and are attached to and hereby made a part of this Final Order. The following are general findings to show that all of the criteria have been met.

1. The applicant has submitted findings addressing each of the goals of the city's Comprehensive Plan.

2. The applicant has submitted findings addressing the submittal required in Section 148.020, Annexations, of the Land Development Code.
3. The applicant has submitted findings addressing all of the criteria in Section 148.030.
4. The applicant has submitted findings addressing all of the criteria in Section 148.040.

CONCLUSIONS

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

Dated this 22nd day of April 2002.

Bob Hagbom, Mayor

ATTEST:

John C. Bischoff, Planning Director

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

**In the matter of an ordinance amending)
the city limits and zoning map of the City)
of Brookings by annexing a 5.78 acre)
parcel of land and rezoning the parcel)
R-1-6 (Single Family Residential, 6,000 sq.)
ft. minimum lot size) on that certain)
property described below.)**

ORDINANCE No. 02-O-546

Sections:

Introduction.

Section 1. Declaration of Annexation.

Section 2. Declaration of withdrawal from the Suburban Rural Fire
Protection District.

Section 3. Uncollected Taxes.

Section 4. Submittal to Secretary of State.

Section 5. Rezoning.

WHEREAS, property owners have petitioned the City of Brookings for annexation of the real property described in Exhibit "A" and depicted on map Exhibit "B" attached hereto, and that said territory is contiguous to exiting city limits pursuant to ORS 222.111; and

WHEREAS, written consent petitions for the annexation of the above referenced territory have been filed with the City of Brookings which consents represent over a majority of the electors registered in the territory proposed to be annexed and the owners of more than half of the land in that territory, pursuant to ORS 222.170(2); and

THE CITY OF BROOKINGS ORDAINS AS FOLLOWS:

Section 1. Declaration of Annexation. That the property in the territory described in Exhibit "A" and depicted on map Exhibit "B", attached hereto and by this reference made a part hereof, which said real property is situated in Curry County, Oregon, and is contiguous to the City of Brookings be, and the same hereby is annexed to the City of Brookings.

Section 2. Declaration of Withdrawal from Suburban Rural Fire Protection District. That the property described in Exhibit "A" and depicted on map Exhibit "B" attached hereto is hereby withdrawn from the Suburban Rural Fire Protection District upon the annexation of the aforementioned property to the City of Brookings.

Section 3. Uncollected Taxes. That all uncollected taxes therefore levied by such district shall become the property of the City of Brookings and be delivered to it upon collection.

Section 4. Submittal to Secretary of State. That the City Recorder be, and is, authorized and directed to make and submit to the Secretary of State a copy of this ordinance, and a copy of the statement of consent of all the land owners of said real property heretofore filed with him.

Section 5. Rezoning. Concurrent with the annexation, the property described in Exhibit "A" and depicted on map Exhibit "B" attached hereto is hereby rezoned from Residential One (R-1) and Residential Two (R-2) Curry County zoning classification to R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) City of Brookings zoning classification.

First Reading: _____

Second Reading: _____

Passage: _____

Effective Date: _____

Signed by me in authentication of its passage this _____ day of April 2002.

Bob Hagbom
Mayor

ATTEST by City Recorder this _____ day of April 2002.

Paul Hughes
City Recorder

EXHIBIT "A"

Pacific Coast Surveys

P.O. Box 8026
Brookings, OR 97415
Phone 541-469-5054
E-mail sput@wave.net

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

Re: Mahar, Gossard, Murray
Legal Description

Dear Mr. Bischoff

Mr. Capp of Western Land Use Services advises you would like a metes and bounds description of the land being considered for annexation to the City. The metes and bounds description of the subject property, as documented on County Survey Map #40-892, dated November 9, 2001 prepared by me, is as follows:

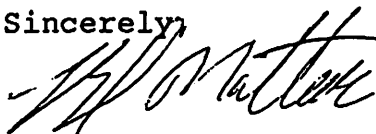
A Parcel of land lying within the Northwest Quarter of the Southwest Quarter of Section 31, Township 40 South, Range 13 West, Willamette Meridian, Curry County, Oregon being more particularly described as follows;

Beginning at a 5/8" iron rod with yellow plastic cap stamped PLS 2809, said point being the Northwest corner of Parcel 1, Partition Plat 1994-32,

Thence N00 15'00"W, 565.78 feet;
Thence S89 55'54"E, 477.63 feet;
Thence S14 30'07"W, 75.50 feet;
Thence S21 34'10"W, 75.96 feet;
Thence S27 39'06"W, 317.50 feet;
Thence S29 27'20"W, 184.76 feet;
Thence S83 83'58"E, 6.24 feet;
Thence S27 39'06"W, 135.29 feet;
Thence S03 51'28"W, 207.01 feet;
Thence S08 42'11"E, 19.51 feet;
Thence N89 42'11"W, 120.94 feet;
Thence N00 15'00"W, 366.38 feet to the Point of Beginning.

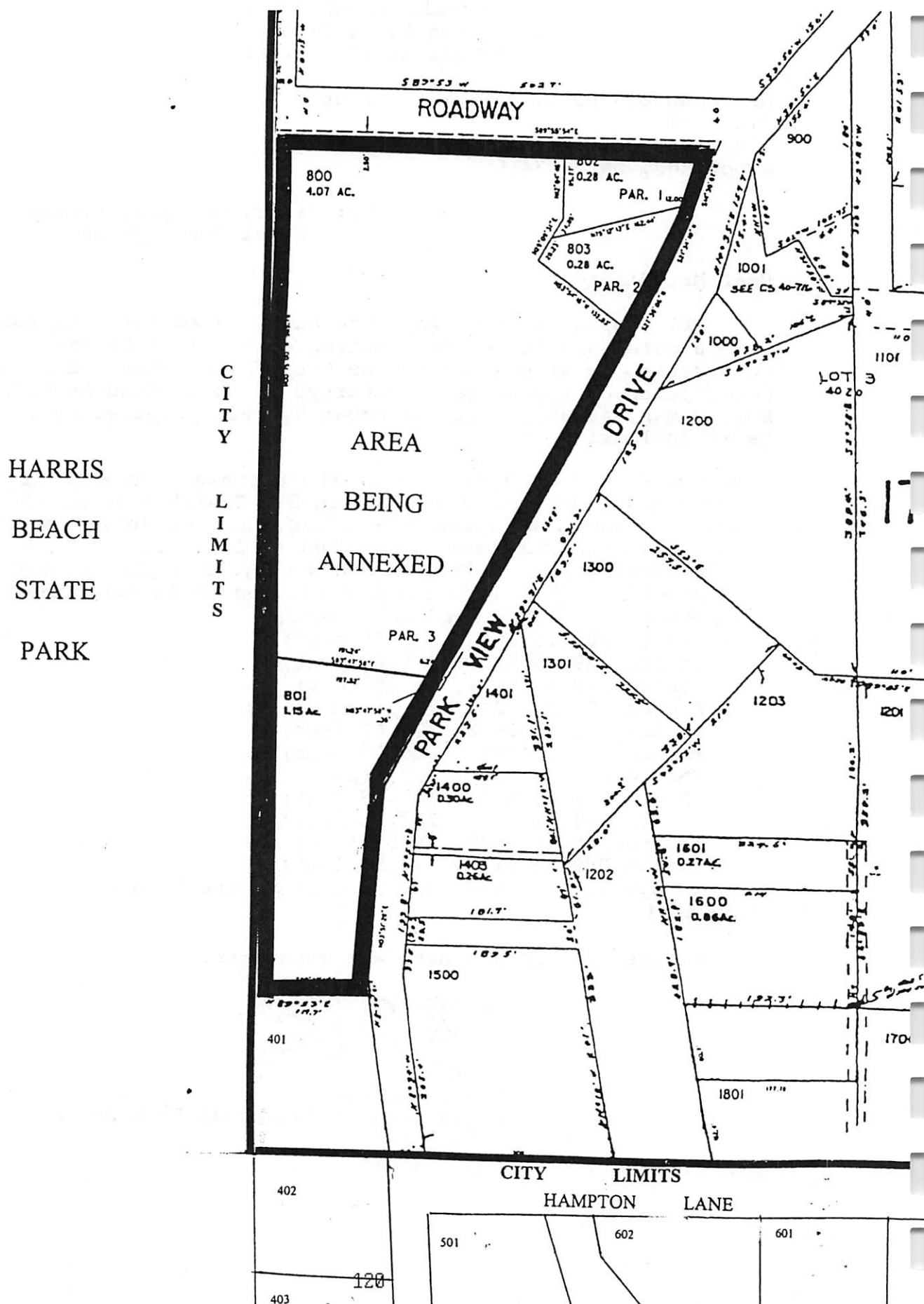
Please call if you have any questions.

Sincerely,



Lloyd Matlock,
Registered Professional Land Surveyor
(#2809LS)

17



Memorandum

TO: Mayor and City Council
FROM: John Bischoff, Planning Director
THROUGH: Leroy Blodgett, City Manager
DATE: April 13, 2002



Issue: Appeal Case No. APP-1-02

Background: At its regularly scheduled meeting of April 2, 2002, the Planning Commission considered this application and approved a 10 lot subdivision located at the north end of Weaver Ln. This approval is now being appealed on the basis that the new street created in the subdivision will pass within 5 feet of the front of the appellant's house. A City Council Staff Report, the Planning Commission Staff Report, and a Final Order are attached.

Recommendation: The staff is recommending that the appeal be upheld and the subdivision remanded back to the Planning Commission with a revised preliminary plat that resolves the issue of the appeal.

CITY OF BROOKINGS CITY COUNCIL
STAFF AGENDA REPORT

SUBJECT: Appeal—Subdivision
FILE NO: APP-1-02
HEARING DATE: April 22, 2002

REPORT DATE: April 16, 2002
ITEM NO: V.C

GENERAL INFORMATION

APPELLANT: Gay and Valnora Weaver.

REPRESENTATIVE: John Babin.

REQUEST: An appeal of the Planning Commission's approval of a subdivision to divide the parent parcel into 10 lots ranging in size from 6001.08 to 6,491.59 sq. ft. in size with an average lot size of 6,122sq. ft. and including the extension of Weaver Lane.

LOCATION: The subdivision is located on the north end of Weaver Ln. approximately 380 feet north of Hassett St. The appellant's parcel adjoins the subdivision property on the west.

TOTAL LAND AREA: 1.86 acres (81,022 sq. ft.)

ASSESSOR'S NUMBER: Subdivision parcel—40-13-32CC, Tax Lot 300; appellant's parcel Tax Lot 200.

ZONING / COMPREHENSIVE PLAN INFORMATION (Both properties)

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

PROPOSED: Same.

SURROUNDING: All R-1-6. South of Hassett St.—R-2 (Two Family Residential).

COMP. PLAN: Residential.

LAND USE INFORMATION (Subdivision property)

EXISTING: Vacant.

PROPOSED: Single family homes.

SURROUNDING: Single family homes with a few scattered vacant lots.

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

BACKGROUND INFORMATION

The subdivision (subject) property is a roughly rectangular shaped, 1.86 acre, parcel of land located at the north end of Weaver Ln., approximately 380 feet north of Hassett St. The parcel has 37 feet of frontage on the northerly terminus of Weaver Ln. then extends north for 165 feet, turns west for 42.50 feet then north again for 263.03 feet to the north boundary. The north boundary extends east for 203.59 feet and the east boundary is 424.33 feet. The south boundary extends west 125 feet, then turns north for 22.13 feet along the Weaver Ln. right of way to where the subject property fronts Weaver. Weaver Ln. will be extended from its present terminus, north through the subject property with a slight dogleg to the east as shown in Exhibit 2. There is currently a house located in the southerly portion of the subject property, which will be removed prior to the recordation of the final map.

Topographically the property is varied with a high point in the northwest corner and the low point in the southwest corner. A low ridge extends from north to south along the easterly portion of the property with two small drainages, one of which starts near the northeast corner, flows west and exits near the center of the westerly property line. The other drainage enters the property just north of the southeast corner and exits about 60 feet north of the southwest corner. The steepest portion of the property is in the northwest corner with a small area of 19% slopes (See Exhibit 2).

Zoning on the subject property is R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) as is all of the surrounding area. The area is developed with single family homes with scattered vacant lots. Weaver Ln. is a gravel travel way with no improvements from Hassett St. to the subject property. About 58% of the lots along Weaver Ln. have Deferred Improvement Agreements recorded on them. Water and sewer mains are located within the full length of Weaver Ln.

PROPOSED SUBDIVISION

The applicant is requesting a subdivision of the subject property to create 10 lots ranging in size from 6,001.08 to 6,491 sq. ft. with an average lot size of 6,122 sq. ft. A new street will extend Weaver Ln. through the subject property from the south to the northerly boundary. Three of the proposed lots will be located on the west side of the new street at the north end of the parent parcel. The remaining lots will be along the east side of the street. One lot, Lot 2, has a flag lot configuration but technically is not a flag lot because it has more than 20 feet of frontage on the new street.

The extension of Weaver Ln. will be within a 50 foot wide right of way except for the southerly most 165 feet which will have a 37 foot wide right of way. The new street will be constructed with a standard 36 feet of paved travel way and curbs, gutters and sidewalks on both sides except in the southerly 165 feet where the finished section will consist of 30 feet of pavement with curb, gutter and sidewalk on the east side. The existing water and sewer mains will be extended through the new street segment. The proposed name of the subdivision is "Kathryn Lynn Subdivision."

The Planning Commission approved this subdivision at its March 5, 2002 meeting. A full analysis of the subdivision is in the Planning Commission Staff Report, which is attached.

BASIS OF THE APPEAL

The appellant is appealing the approval of the subject subdivision because the proposed new street will pass within 5 1/2 feet of the front of his house.

The common property line between the subject property and the appellant's property splits the northerly terminus of Weaver Ln. (See Exhibit 2). The alignment of the new street, therefore, must include a portion of the appellant's property. As proposed in the subdivision the new street would extend straight from the existing Weaver Ln. to a westerly jog in the subject property, placing 165 feet of the street segment on the appellant's property (See Exhibit 2). The section of the street would not be constructed until the appellant's property is partitioned, subdivided or developed further and the appellant would be responsible for those improvements. This is appropriate since at least a portion of the extension of Weaver Ln. must be on the appellant's property and when the appellant's property developed the appellant would be responsible for construction of that portion. The proposed alignment meets the requirements of Section 172.020 Street Standards, of the Land Development Code, for a half street.

The appellant has submitted materials that show the right of way of this new street segment passing within 5 ½ feet of the front of his house. This is where the problem arises. At the Planning Commission hearing the property owner to the east of the subject property stated that the street would be close to the appellant's house, however, the appellant did not appear at the hearing nor submit written testimony. With out testimony to the contrary, the Commission could only assume that this was not a problem and that the owner of the house was not concerned nor was there evidence to indicate how close the street came to the house.

The day after the hearing the appellant came to the Planning Department and stated that they intended to come to the hearing but forgot and asked if they could appeal. They were given the necessary materials to initiate the appeal. Staff was concerned that they did not have standing to appeal since they did not participate in the actual hearing. The City Attorney was consulted and stated that since their property was adjoining and would be impacted they should be allowed to appeal.

ANALYSIS

When property is partitioned or subdivided the new property lines and streets must meet the yard setback requirements of the underlying zone for any structure on the property. In this case, since a portion of the new street will be on the adjoining property, the street must also meet the setback requirements for structures on that lot. The fact that this portion of the street may not be constructed at this time does not remove the setback requirement. Realigning the street to place the right of way totally on the subject property where it passes the appellant's house will mitigate the issue. There is sufficient room on the subject property to realign the street in this manner.

The appellant's material shows that the house in question is only 18 ½ feet from the common property line between the subject property and the appellant's house. The R-1-6 Zone required a 20 foot front yard setback. If the street alignment is moved to place the street totally on the subject property adjacent to the property line, the 18 ½ feet must serve as the front yard setback because the house is pre-existing and it makes no sense to move the street another 1 ½ feet into the subject property.

Staff is recommending that the subdivision be remanded back to the Planning Commission with instructions to the subdivision applicant to resubmit the preliminary subdivision plat map with the street alignment moved in a manner that resolves the basis of the appeal.

FINDINGS

1. The appellant is appealing the subject subdivision on the basis that the new street right of way will come within 5 feet of his house and thus violate the required front yard setback.
2. Materials submitted by the appellant show that the new street, when improved would place the right of way 5 feet from the front of the appellant's house.
3. The both of the properties are zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) and this zone requires a front yard setback of 20 feet.
4. The appellant's house is located 18 ½ feet from the common property line between the subject property and the appellant's property.

CONCLUSIONS

1. When property is partitioned or subdivided, all new property lines and streets must meet the required setbacks from any existing buildings on the property. In this case, since a portion of the new street will be on the adjoining property, the street must also meet the setback requirements for structures on that lot. The fact that this portion of the street may not be constructed at this time does not remove the setback requirement. Realigning the street to place the right of way totally on the subject property where it passes the appellant's house will mitigate the issue. There is sufficient room on the subject property to realign the street in this manner.
2. The appellant's house is a preexisting use or structure and as such the 18 ½ feet between the house and the common property line must suffice as the front yard setback. It makes no sense to require the street to be placed another 1 ½ feet into the subject property, which in effect would give the appellant control of a portion of the subdivider's property or conversely, could prevent the appellant from taking driveway access from the new street.

RECOMMENDATION

Staff recommends that the Council **UPHOLD** the appeal of Case File No.SUB-1-02, and remand the subdivision back to the Planning Commission with instructions to the applicant to submit a new subdivision preliminary plat map with the proposed street relocated in a manner that resolves the basis of the appeal, all 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.

BABIN & KEUSINK

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

P.O. BOX 1600 • 517 CHETCO AVE
BROOKINGS, OREGON 97415-0600

(541) 469-5331 • FAX (541) 469-9865

JOHN C. BABIN*
E-MAIL: john@babin-keusink.com
*ALSO LICENSED IN CALIFORNIA

CHRISTOPHER KEUSINK
E-MAIL: chris@babin-keusink.com

April 2, 2002

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

Re: Planning Commission File No. SUB-1-02

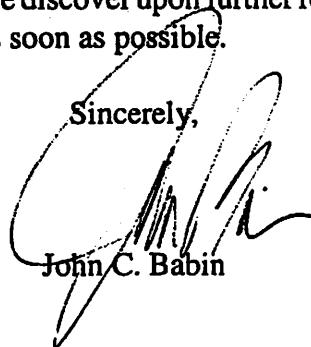
Dear Mr. Bischoff:

This letter will follow up on the appeal we have filed for the Weavers in the above-captioned matter. From a review of the application and the final order and findings in this matter, there may be several bases of appeal.

The first basis of appeal is that the plans submitted by the developer and approved by the Planning Commission did not take into consideration future development of surrounding properties. The appellants, Gay L. and Valnora Weaver, own a 1.6 acre parcel adjacent to the development. They presently reside in a single-family residence located on their parcel, located as is shown on the diagram attached to this letter as Exhibit A. The location of the home with regard to the extension of Weaver Lane, in light of setback requirements within the City of Brookings, may make it difficult for the Weavers or their successors to develop this property. The location of Weaver Lane should be moved to the west to facilitate future development.

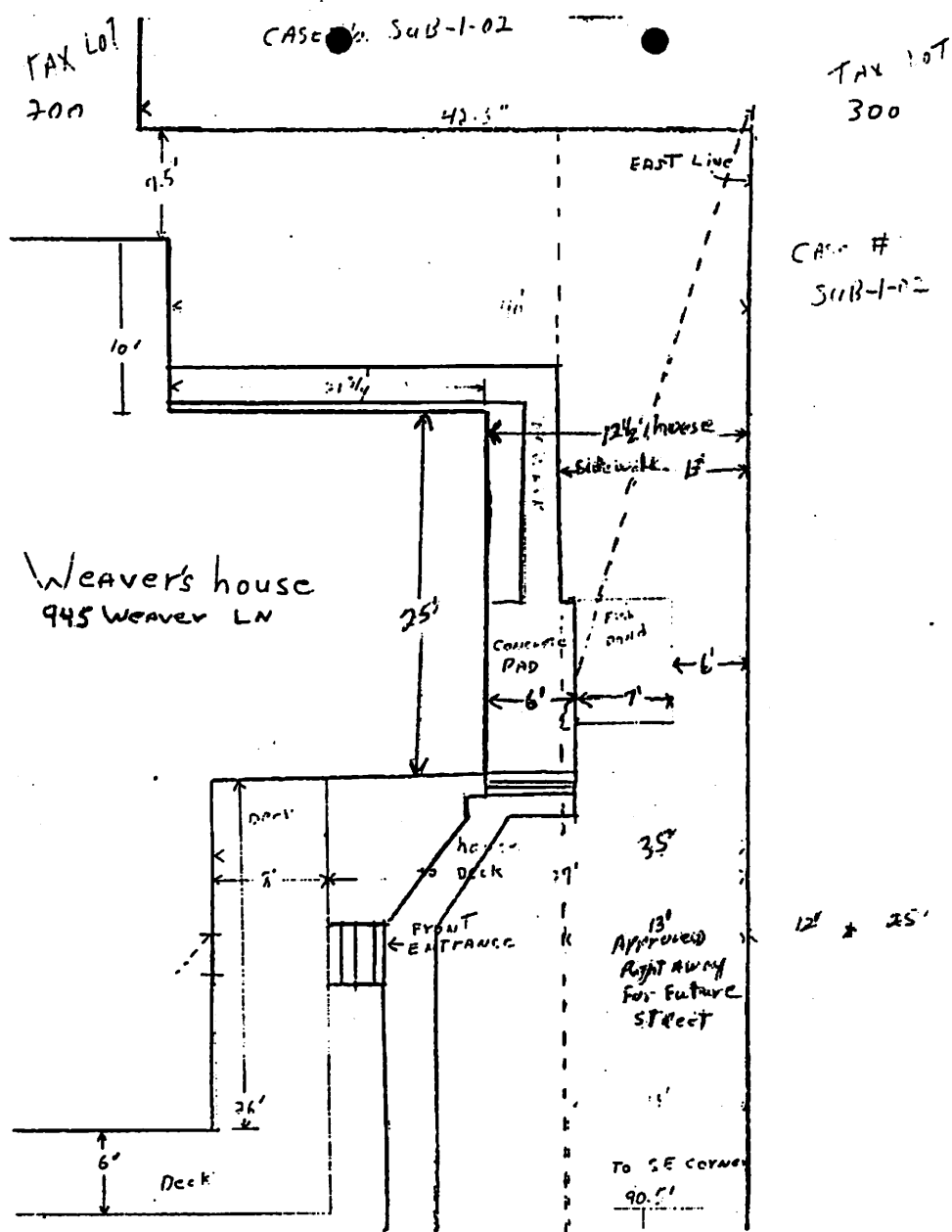
If there are any other bases for appeal we discover upon further reviewing the plans and material, we will get them to you in written form as soon as possible.

Sincerely,



John C. Babin

JCB:lt
Enclosure
cc: Clients



Appealant: Gay and Valnora Weaver

Assessor's No: 40-13-32 CC Tax Lot 300

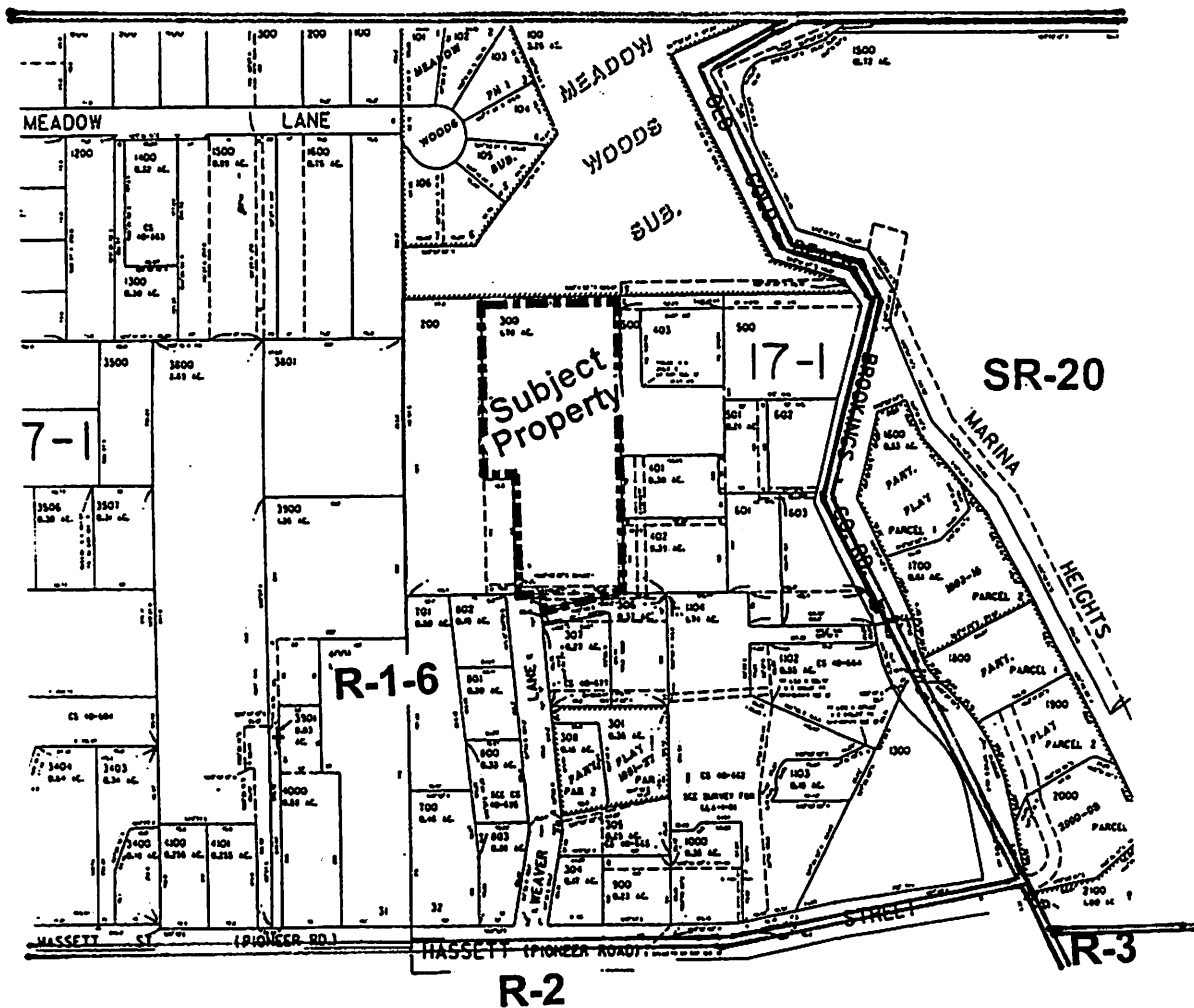
Location: north end of Weaver Lane

Size: 1.86 acres

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



County P-F



Applicant: Edward and Kathryn McDaniel

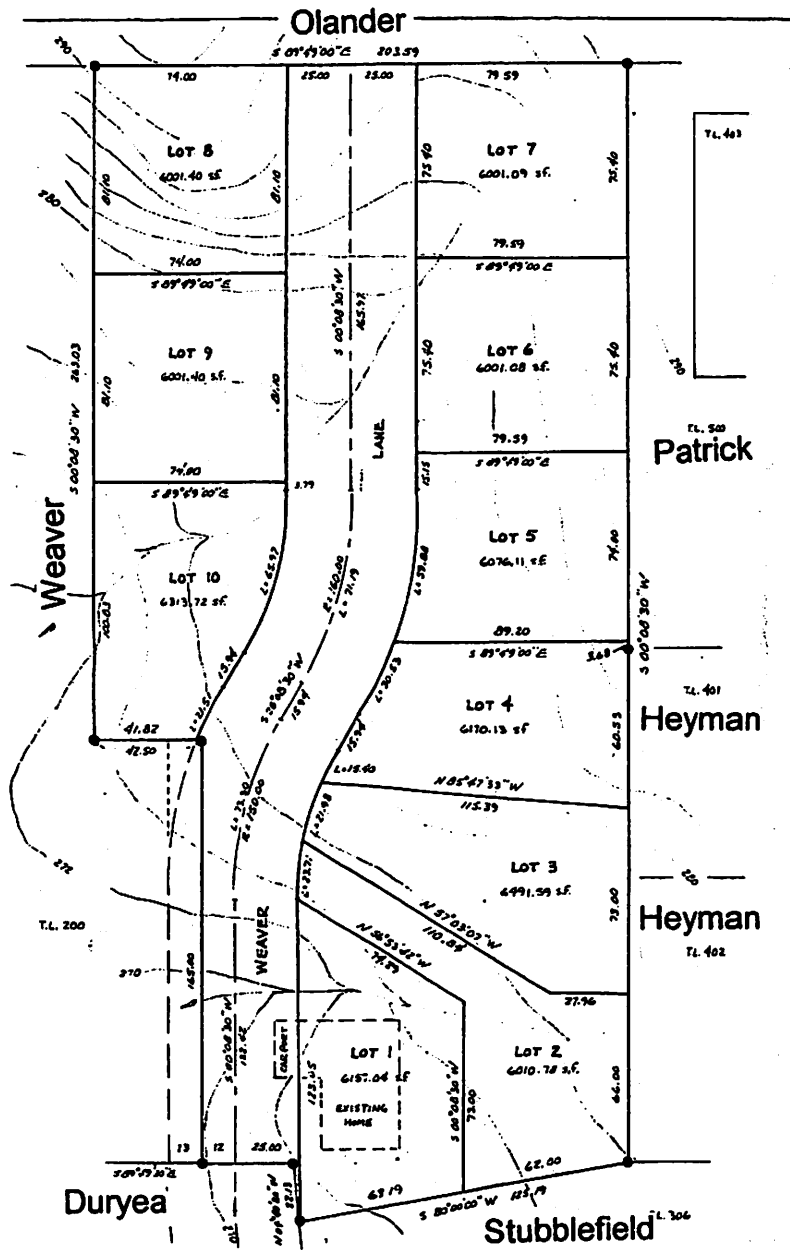
Assessor's No: 40-13-32 CC Tax Lot 300

Location: northeastern end of Weaver Lane

Size: 1.78 acres

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





Applicant: Edward and Kathryn McDaniel

Assessor's No: 40-13-32 CC Tax Lot 300

Location: northeastern end of Weaver Lane

Size: 1.78 acres

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



CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: Subdivision
FILE NO: SUB-1-02
HEARING DATE: March 5, 2002

REPORT DATE: February 21, 2002
ITEM NO: 8.3

GENERAL INFORMATION

APPLICANT: Edward and Kathryn McDaniel.

REPRESENTATIVE: Daryl Niemi.

REQUEST: A subdivision to divide the parent parcel into 10 lots ranging in size from 6001.08 to 6,491.59 sq. ft. in size with an average lot size of 6,122sq. ft. and including the extension of Weaver Lane.

TOTAL LAND AREA: 1.86 acres (81,022 sq. ft.)

LOCATION: On the north end of Weaver Ln. approximately 380 feet north of Hassett St.

ASSESSOR'S NUMBER: 40-13-32CC, Tax Lot 300.

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. South of Hassett St.—R-2 (Two Family Residential).

COMP. PLAN: Residential.

LAND USE INFORMATION

EXISTING: Vacant.

PROPOSED: Single family homes.

SURROUNDING: Single family homes with a few scattered 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 roughly rectangular shaped, 1.86 acre, parcel of land located at the north end of Weaver Ln., approximately 380 feet north of Hassett St. The parcel has 37 feet of frontage on the northerly terminus of Weaver Ln. then extends north for 165 feet, turns west for 42.50 feet then north again for 263.03 feet to the north boundary. The north boundary extends east for 203.59 feet and the east boundary is 424.33 feet. The south boundary extends west 125 feet, then turns north for 22.13 feet along the Weaver Ln. right of way to where the subject property fronts Weaver. Weaver Ln. will be extended from its present terminus, north through the subject property with a slight dog leg to the east as shown in Exhibit 2. There is currently a house located in the southerly portion of the subject property, which will be removed prior to the recordation of the final map.

Topographically the property is varied with a high point in the northwest corner and the low point in the southwest corner. A low ridge extends from north to south along the easterly portion of the property with two small drainages, one of which starts near the northeast corner, flows west and exits near the center of the westerly property line. The other drainage enters the property just north of the southeast corner and exits about 60 feet north of the southwest corner. The steepest portion of the property is in the northwest corner with a small area of 19% slopes (See Exhibit 2).

Zoning on the subject property is R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) as is all of the surrounding area. The area is developed with single family homes with scattered vacant lots. Weaver Ln. is a gravel travel way with no improvements from Hassett St. to the subject property. About 58% of the lots along Weaver Ln. have Deferred Improvement Agreements recorded on them. Water and sewer mains are located within the full length of Weaver Ln.

PROPOSED SUBDIVISION

The applicant is requesting a subdivision of the subject property to create 10 lots ranging in size from 6,001.08 to 6,491 sq. ft. with an average lot size of 6,122 sq. ft. A new street will extend Weaver Ln. through the subject property from the south to the northerly boundary. Three of the proposed lots will be located on the west side of the new street at the north end of the parent parcel. The remaining lots will be along the east side of the street. One lot, Lot 2, has a flag lot configuration but technically is not a flag lot because it has more than 20 feet of frontage on the new street.

The extension of Weaver Ln. will be within a 50 foot wide right of way except for the southerly most 165 feet which will have a 37 foot wide right of way. The new street will be constructed with a standard 36 feet of paved travel way and curbs, gutters and sidewalks on both sides except in the southerly 165 feet where the finished section will consist of 30 feet of pavement with curb, gutter and sidewalk on the east side. The existing water and sewer mains will be extended through the new street segment. The proposed name of the subdivision is "Kathryn Lynn Subdivision."

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 Lots

A remainder lot is defined as any lot created by a partition or subdivision that is twice or greater the size of the minimum lot allowed by the underlying zone, in this case 6,000 sq. ft. All of the lots in by the proposed subdivision are less than 12,000 sq. ft. No remainder lots are created.

Criterion 3, Adjoining Lot.

All of the lots adjoining the subject property have frontage on a public street except for two that are adjacent to the easterly boundary. These two lots are currently accessed by an easement that is adjacent to the south side of the southerly boundary of the subject property. Both of these lots are in the same ownership and one currently has a house on it. The proposed subdivision will not prevent any of the surrounding lots from being accessed or developed.

Criterion 4, Conditions of Approval

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

Criterion 5, Street Plan

The proposed subdivision will cause Weaver Ln. to be extended further north to the boundary of another parcel of land that will soon be subdivided. The representative of the owner of the property to the north has stated that the location of the proposed street will work well with the plans to divide his property. Eventually Weaver Ln. will be connected to either Meadow Ln. or Old County Rd. The proposed street plan is the next step in making Weaver Ln. a through street.

The southerly 165 feet of the proposed street are within an only 37 foot right of way because there is insufficient room on the subject property to provide the full 50 foot right of way and also because the exiting Weaver Ln. right of way is split between the subject property and the adjoining parcel to the west. The 37 feet of right of way is sufficient to meet the half street requirements of Section 172, Public Facilities Standards and Criteria, of the Land Development Code, which requires curb, gutter and sidewalk on one side and paved travel way to the street centerline and 12 beyond. The west half of the street will be constructed when the parcel to the west is divided. The existing house will be removed prior to the approval of the final map.

Criterion 6, Subdivision Name

The county planning department has verified that there are no other subdivisions with the same name or similar to "Kathryn Lynn Subdivision."

Criterion 7 and 8, Street Names and Private Streets

The proposed street is the extension of the existing Weaver Ln. and thus the street name will remain the same. No private streets are proposed in this subdivision.

Criterion 1, Conformance With Comprehensive Plan.

The proposed subdivision meets the requirements of the criteria discussed above and is consistent with the requirements of the R-1-6 Zone. The subdivision also conforms to the provisions of 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 the overall goal of using land efficiently. Lot 8 of the proposed subdivision has an average slope of approximately 15%, which pursuant to Section 100, Hazardous Building Site Protection/Hillside Development Standards, of the Land Development Code, requires a geological report to be completed prior to development of the lot. A condition of approval to this effect will be created. Due to the fact that Weaver Ln. will be a dead end street until it is extended through the property to the north, a condition of approval will require that a temporary turn around be placed at the north end of the street.

FINDINGS

1. The applicant is requesting a subdivision to divide a 1.86 acre parcel into 10 lots ranging in size from 6,001.80 to 6,491.59 sq. ft. in size, with an average size of 6,122 sq. ft. and create a new 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. Currently there is a single family house on the subject property.

4. Topographically the subject property has gentle slopes except in the northwest corner, which has a small area of slopes of greater than 18%. There are two small drainage courses on the property.
5. The property is located at the northerly terminus of Weaver Ln. and the new street will be the extension of Weaver Ln.
6. All of the lots surrounding the subject property have access to a public street except for to lots adjacent to the southerly portion of the easterly boundary. These lot are easement accessed contain one single family house and are in the same ownership.
7. The proposed subdivision will be named "Kathryn Lynn Subdivision." The County Planning Department has stated that there are no other subdivisions in the county with the same or similar name.
8. The existing portion of Weaver Ln. is a gravel travel way with no other improvements within a 50 foot wide right of way.
9. A water and sewer main is located in Weaver Ln. and will be extended to the northerly terminus of the new street segment.

CONCLUSIONS

1. None of the lots created by the proposed subdivision meet the definition of a remainder lot. All of the lots surrounding the subject property either front on a public street or accessed by easements that do not cross the subject property. The proposed subdivision will no prevent the access to or the development of any of the surrounding lots.
2. The conditions of approval applied to this subdivision will include both standard and project specific conditions, all of which can be satisfied prior to the recordation of the final plat map.
3. The proposed new street is the extension of Weaver Ln., which will eventually become a looped street connecting to either Meadow Ln. or Old County Rd. The proposed street plan is the most economic, safe and environmentally sound alignment.
4. Since the new street is the extension of Weaver Ln., which is a public street, there will be no new street name involved with the proposed subdivision, nor will there be a private street. The County Planning Department has stated that there is no other subdivision within the county with the same or similar name as "Kathryn Lynn Subdivision."
5. The proposed subdivision meets all of the criteria discussed above and is consistent with the provisions of the R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) Zone. The proposed 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 lots within the city and the overall goal of using land efficiently within the city.

Lot 8 of the proposed subdivision has an average slope of approximately 15%, which pursuant to Section 100, Hazardous Building Site Protection/Hillside Development Standards, of the

Land Development Code, requires a geological report to be completed prior to development of the lot. A condition of approval to this effect will be created. Due to the fact that Weaver Ln. will be a dead end street until it is extended through the property to the north, a condition of approval will require that a temporary turn around be placed at the north end of the street.

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-1-02, 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.

FINDINGS

40-13-32 CC TAX LOT 300

FOR

KATHRYN LYNN SUBDIVISION

OWNERS

P. JOHN KIMM, EDWARN & KATHRYN McDANIEL

1. THE PROPOSED SUBDIVISION IS CONSISTENT WITH THE PROVISIONS OF THE LAND DEVELOPMENT CODE, AND THE COMPREHENSIVE PLAN. THE SUBDIVISION IS AN IN-FILL DEVELOPMENT AND REPRESENTS A MORE EFFICIENT USE OF RESIDENTIAL LAND.
2. THERE IS NO REMAINDER PARCEL UNDER THIS OWNERSHIP.
3. ALL OF THE ADJOINING PROPERTY HAS ACCESS TO, OR WILL HAVE ACCESS TO PUBLIC STREETS WITH THE PROPOSED EXTENTION OF WEAVER LANE.
4. CONDITIONS NECESSARY TO SATISFY THE INTENT OF THE LAND DEVELOPMENT CODE CAN AND WILL BE SATISFIED PRIOR TO FINAL APPROVAL.
5. THE PROPOSED STREET PLAN AFFORDS THE MOST ECONOMIC, SAFE, EFFICIENT AND LEAST ENVIRONMENTALLY DAMAGING CIRCULATION OF TRAFFIC, WHILE PROVIDING ACCESS TO FUTURE DEVELOPMENT TO THE VACANT LAND LYING NORTH OF THIS PROJECT.



Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

Region 3

3500 NW Stewart Parkway

Roseburg, OR 97470

(541) 957-3500

FAX (541) 957-3547

March 18, 2002

John C. Bischoff, Planning Director
City of Brookings Planning Department
898 Elk Drive
Brookings, Oregon 97415

RE: McDaniel 10-lot Subdivision (SUB-1-02)

Dear Mr. Bischoff:

This correspondence is to provide comments on the proposed 10-lot subdivision from a 1.78-acre parcel located at the northeastern end of Weaver Lane. The Oregon Department of Transportation (ODOT) determined that the proposed project is not expected to have a significant effect on state transportation facilities.

We appreciate the opportunity to provide assistance on the proposed subdivision and look forward to working with the City of Brookings in the future. If you have any questions or need additional information, please contact me at (541) 957-3692.

Sincerely,

Thomas Guevara
Short Range Planner

Cc: Ron Hughes, Access Management Engineer
Jeff Waddington, Permits Specialist

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

In the matter of Planning Commission File No.)	Final ORDER
APP-1-02; an appeal of a Planning Commission)	and Findings of
decision approving a subdivision; Gay and Valnora)	Fact
Weaver, appellant.)	

ORDER upholding an appeal of the Planning Commissions approval of a subdivision creating 10 lots located at the north end of Weaver Ln.; Assessor's Map 40-13-32CC, Tax Lot 300; 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 March 5, 2002; and

3. Recommendations were presented by the Planning Director in the form of a written Staff Agenda Report dated February 21, 2002 and by oral presentation, and evidence and testimony by the applicant and the public at the public hearing; and,

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

WHEREAS, the appellant appealed the Planning Commission's approval of the subdivision, pursuant to Section 156, Appeal to the City Council, and

1. The Brookings City Council duly considered the above described application on the agenda of a public hearing on April 22, 2002, and

2. Presentations were made by the Planning Director in the form of a written Staff Agenda Reports dated April 16, 2002 and by oral presentation, and evidence and testimony were presented by the appellant, the applicant and the public at the public hearing; and,

3. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the City Council, upon a motion duly seconded, considered the Staff Agenda Report and upheld appeal and remanded the subdivision back to the Planning Commission with directions to the applicant to submit a revised preliminary plat map that resolved the issue of the appeal, and directed staff to prepare a Final ORDER and Findings of Fact to that effect.

THEREFORE, IT IS BE HEREBY ORDERED that the application for a subdivision on the subject parcel is remanded back to the Planning Commission. This is supported by the following findings and conclusions:

FINDINGS

1. The appellant is appealing the subject subdivision on the basis that the new street right of way will come within 5 feet of his house and thus violate the required front yard setback.
2. Materials submitted by the appellant show that the new street, when improved would place the right of way 5 feet from the front of the appellant's house.
3. The both of the properties are zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) and this zone requires a front yard setback of 20 feet.

4. The appellant's house is located 18 ½ feet from the common property line between the subject property and the appellant's property.

CONCLUSIONS

1. When property is partitioned or subdivided, all new property lines and streets must meet the required setbacks from any existing buildings on the property. In this case, since a portion of the new street will be on the adjoining property, the street must also meet the setback requirements for structures on that lot. The fact that this portion of the street may not be constructed at this time does not remove the setback requirement. Realignment of the street to place the right of way totally on the subject property where it passes the appellant's house will mitigate the issue. There is sufficient room on the subject property to realign the street in this manner.
2. The appellant's house is a preexisting use or structure and as such the 18 ½ feet between the house and the common property line must suffice as the front yard setback. It makes no sense to require the street to be placed another 1 ½ feet into the subject property, which in effect would give the appellant control of a portion of the subdivider's property or conversely, could prevent the appellant from taking driveway access from the new street.

Dated this 22nd day of APRIL, 2002

Bob Hagbom, Mayor

ATTEST:

John C. Bischoff, Planning Director

City of Brookings – Administrative Office
898 Elk Drive
Brookings, OR 97415
(541) 469-2163 ~ Fax: 469-3650



Memo

To: Mayor and Council

From: Leroy Blodgett, City Manager *LB/sr*

CC: Police Chief Chris Wallace, Public Works Supervisor Dennis Barlow, Fire Chief Bill Sharp, and Community Development Director Leo Lightle

Date: April 16, 2002

Re: Closing lower part of Old County Road for middle school class

The attached request came from Azalea Middle School teacher Mike Gordon. He and some of his students and will be at the Council meeting.

I have talked with Community Development Director Lightle and Police Chief Wallace about this request and we see no significant problem with closing this road during the times and on the dates in May indicated in the letter. This would be from the intersection at Azalea Park Road and Old County Road to the intersection of Old County Road and Constitution Way.

Public Works will provide some barriers and the Police Department will, assuming nothing else in particular is happening, send a patrol car and/or VIPS to the area.

The only inconvenience this will cause to anyone will be to those people who want to use this section of Old County Road during that time frame on each of those days. They would have to use Oak Street, which should not be a big deal.

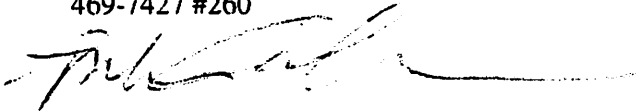
Recommendation: We recommend you authorize the closing of Old County Road May 24, 28, and 29, 2002, from approximately 8:20 a.m. to approximately 11:00 a.m. on each day for this Azalea Middle School Class to complete their project activity.

To: City of Brookings
Date: 4-17-2002
From: Mr. Gordon Azalea Middle School
Re: Down Hill racer

To City of Brookings. On May 24th, 28th and 29th,
we wish to race our down hill racer, as a part of Azalea Middle School-
Science and Technology Class. We are asking the City of Brookings
for permission to conduct our annual racing event.

Location: Lower road from Azalea Park on old county road.
Time: 8:20- 11:00 AM
Supervision: Azalea Middle School will have 5 supervising adults.
Azalea Middle School will have flaggers to help with traffic control.

Sincerely
Mr. Gordon
Azalea Middle school
469-7427 #260





Staff Report

To: Mayor Hagbom & City Councilors
From: Leroy Blodgett, City Manager
Date: April 17, 2002
Re: Bud Cross Park Access Closure

BACKGROUND

At the last City Council meeting we discussed closure of the access into Bud Cross Park from North Second Street. Staff was directed to contact the property owners along the street to get input about the proposed closure and bring a recommendation back to City Council.

I have contacted, by phone, 6 out of 10 property owners. We did not contact the Kuhn's residence because their opinion was given at the last Council meeting. So essentially we have responses from 7 of the 10 property owners. We will still attempt to contact the remaining 3 owners prior to the City Council meeting.

Each of those owners contacted were informed of the request to close the access to Bud Cross Park from N. Second Street and asked if they would be in favor or opposed to the closure and if they had any concern or comments. The general consensus of the neighborhood is that closing the access is a good idea or they don't care. None of those contacted opposed the idea. Below are brief summaries of the responses

1. Doesn't bother me one way or the other
2. Wonderful idea – concerned for the kids safety
3. Fine either way. Do not like having cars parked in front of the house during games at the park.
4. Love it. Parked cars block the driveway during games. Cars speed in and out of the parking area.
5. Not good for everyone, but is in favor of closing the access.
6. OK. May be a good idea.

STAFF RECOMMENDATION

Move to close vehicle access to Bud Cross Park via North Second Street and sign the street as a "dead end".

**CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
AND ETHICS REVIEW WORK SESSION
City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
April 8, 2002
6:00 p.m.**

I. CALL TO ORDER

Mayor Bob Hagbom called the Common Council meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

Led by Police Chief Wallace

III. ROLL CALL

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

Council Absent: Ex Officio Council Noël Connelly, excused.

Staff Present: City Manager Leroy Blodgett, City Attorney John Trew, Police Chief Chris Wallace, Lt. John Bishop, Fire Chief William Sharp, and Community Development Secretary Linda Barker.

Media Present: Brian Bullock, Curry Coastal Pilot

Other: Chamber of Commerce Executive Director Les Cohen, Rex Atwell, Martin Palmer, and approximately 5 other citizens.

IV. ETHICS REVIEW

A. City Attorney John Trew

1. Ethics Guide for Public Officials Review

Before the Council meeting, beginning at 6:00 p.m., City Attorney Trew reviewed ORS Chapter 244, Government Standards and Practices with elected and appointed city officials. Those in attendance were: Mayor Bob

Hagbom, Council President Larry Curry, Councilors Frances Johns, Lorraine Kuhn, and Rick Dentino; Parks and Recreation Commissioners Bill Boynton and Nina Canfield; Planning Commissioner Ted Freeman, Jr.; Budget Committee members Virginia Byrtus, Bruce Nishioka, and Stan Barron; City Manager Leroy Blodgett, Police Chief Chris Wallace, Lt. John Bishop, Community Development Secretary Linda Barker, and Brian Bullock, Curry Coastal Pilot.

V. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

A. Announcements

1. Proclamation - Back to School Week 2002 – April 29 through May 3
Mayor Hagbom proclaimed Back to School Week 2002 and noted he would be discussing this in depth later in the meeting.
2. Ten Years of Service – Community Development Department Secretary Linda Barker/April 6, 1992
Mayor Hagbom presented Community Development Department Secretary Linda Barker with a certificate honoring her ten years of service with the City, first in the Finance Department and presently in the Community Development Department. He also announced that in the near future she would be moving into the City Manager's office as his secretary when Administrative Secretary Sharon Ridens moves to Sutherlin, Oregon in June.

VI. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

A. Committee and Liaison reports

1. Chamber of Commerce

Chamber of Commerce Executive Director Les Cohen introduced the *America's Wild Rivers Coast* logo. This logo is being used to promote the Curry and Del Norte area and is being featured on websites around the area. The May-June issue of Oregon Coast magazine will contain an advertisement promoting the Wild Rivers Coast. Buttons to be worn by front-line service staff saying *Welcome to America's Wild Rivers Coast* will be available to purchase with the proceeds being used for more regional advertising.

The Chamber is co-opting with the Oregon Coast Visitors Association at the Sunset Magazine Menlo Park Travel Show, providing information on the Brookings-Harbor area to show visitors.

Cohen showed a copy of the March Whale of the Month advertisement published in the Tempo section of the Medford Tribune.

Azalea Festival plans are moving forward quickly with the first meeting of the coordinating committee meeting Saturday, April 6. Cohen asked Chief Sharp to send a memo to all area fire departments to fly the American flag on their trucks during the parade and encouraged veterans and veterans groups to carry flags in the parade. The parade will be stopped in route and all bands participating in the parade will play "God Bless America" simultaneously. He closed his report by showing the 2002 Azalea Festival t-shirt. The Azalea Festival logo is also available on sweatshirts.

2. Council Liaisons

Councilor Dentino reported he had attended the Planning Commission meeting, April 2, in place of Councilor Kuhn who was recouping from surgery. He also attended the Community Agencies meeting, April 3 and the urban renewal workshop, April 4. He will be attending the Harbor Sanitary District Board meeting, April 9.

Councilor Kuhn said this was her first public meeting since her surgery.

Council Johns reported she had attended the Parks and Recreation Commission meeting, March 28, the urban renewal workshop, April 4 and the Home Show, March 30.

Mayor Hagbom spoke about Back to School Week activities. He will be meeting with school officials Thursday, April 11, to plan events. The Rotary Club and the Leadership Class will be involved in these events. When plans are set, he will ask Councilors to help with the activities.

B. Unscheduled

Rex Atwell, 17169 Parkview Drive, spoke to the Council regarding speed limits in the center of town. Going south, Chetco Avenue is posted at 25 mph while going north the same area is posted 35 mph. He advocated changing the speed limit to 25 mph going both ways. City Manager Blodgett remarked this is U S Hwy 101 so the state will be contacted.

VII. STAFF REPORTS

A. City Manager

1. **Schedule for May Council meetings**
City Manager Blodgett noted that the second May meeting is scheduled for Memorial Day. He recommended holding one meeting in May on the 13th and, if needed, hold a special meeting in May.

Councilor Dentino moved, a second followed, and the Council voted unanimously to hold one meeting in May on May 13 and hold open the second meeting if needed.

2. **Second Street Bud Cross Park entrance closure**
City Manager Blodgett presented his staff report regarding closing Second Street at the parking lot entrance to Bud Cross Park. He brought this up at the Parks and Recreation Commission meeting with no opposition. One citizen at that meeting raised the concern of busses having turn around room in the lot filled with cars.

Councilor Kuhn, who lives on the street, noted that traffic once went into the parking lot and then came out. Since an entrance into the lot has been made from Hassett Street, motorists are now using North Second Street and the parking lot as a through travel way between Ransom Avenue and Hassett Street. This has resulted in more and faster traffic.

Staff will contact residents on North Second Street and bring a recommendation to the Council at the next regular meeting.

3. **Yard/Property of the Month Program**
City Manager Blodgett recommended the Council adopt a Yard/Property of the Month program whereby residents receive recognition for their efforts in keeping or improving the attractiveness of their property. The April-through-September program would cost the City about \$600 per year as winning properties would get a yard display sign for one month and a \$50 credit to their water/sewer account. Blodgett said an unbiased/anonymous committee would select the winners each month.

Councilor Johns moved, a second followed, and the Council voted unanimously to adopt the Yard of the Month and Most Improved Property of the Month program.

4. Pelican Bay Telecommunications Board of Directors appointments
City Manager Blodgett updated the Council on progress made exploring the possibility of providing cable TV service to local residents. Staff found there needed to be an organization to oversee the project and potentially operate the system. The Port already has a non-profit corporation established to operate a wireless Internet service. Working cooperatively, city and port staff agreed to use the existing corporation to oversee this project. To assure City and Port input each agency would have two members on the Board of Directors and one at-large member appointed by those four members. Blodgett recommended appointing Mayor Hagbom and Councilor Dentino to the Pelican Bay Telecommunications Board of Directors.

Martin Palmer, 17312 Holmes Drive, spoke to the Council regarding his desire to be appointed to the member-at-large position.

Councilor Kuhn commented for the record that she does not think the City of Brookings should be involved in a non-profit organization of any kind, whether we're on the Board or otherwise. She added that no funding had been set aside for this particular item and there are a lot of other items that need to be done.

Councilor Johns moved, a second followed, and the Council voted 4-1 (voting for: Councilors Johns, Dentino, Curry and Hagbom; voting against: Councilor Kuhn) to appoint Mayor Hagbom and Councilor Dentino as Pelican Bay Telecommunications Board of Directors.

5. Other
City Manager Blodgett reminded the Council of the first budget committee meeting which will start at 7:00 p.m., April 24.

VIII. CONSENT CALENDAR

- A. Approval of Council Meeting Minutes
 1. Minutes of March 25, 2002, Regular Council Meeting
- B. Acceptance of Parks and Recreation Commission Minutes
 1. Minutes of February 28, 2002, regular Commission Meeting
- C. Acceptance of Planning Commission Minutes
 1. Minutes of March 5, 2002, Regular Commission Meeting
- D. Approval of Vouchers (\$170,656.60)
(end Consent Calendar)

Councilor Johns moved, a second followed, and the Council voted 3-0 (voting for: Councilor Dentino, Johns and Hagbom, abstaining: Councilors Kuhn and Curry) to approve the consent calendar as printed.

IX. REMARKS FROM MAYOR AND COUNCILORS

A. Council

B. Mayor

There were no additional comments from the Council or Mayor Hagbom.

XII. ADJOURNMENT

By unanimous verbal agreement, the Council agreed to adjourn the Common Council meeting at 7:47 p.m.

Respectfully submitted:

Bob Hagbom
Mayor

ATTEST by City Recorder this ____ day of April 2002.

Paul Hughes
Finance Director/City Recorder

Georgia Fode-Alexander
& Eddie McDangle
Premier Properties
BL 97415

Re: Babin/Weaver appeal, App 1-02

Handled out
@ 4:22 PM
cc mtg
KJL
181 Davis Ave
LO 93402
April 13, 2002

Hi Georgia & Eddie,

I am out of town for the balance of April. I want you both to review this memo carefully, in preparation for April 22 Council hearings. It's best that both of you attend & also ^{that} John Bischoff be apprised of my intentions immediately.

- A. Once Council & Babin settle on terms (conceptual resolution) on 13' right of way on TL200, I will proceed w/ my EA engineers & workout Amendment 1 to TL300 Sub 1-02. Normally this is done btwn Bischoff & myself (w/ my engineers if necessary). In this case Niemi & Little overstepped w/o clearing w/ Weaver, hence Babin & appeal.
- B. Once attorneys get in the process takes more time & money, I am prepared to follow through & settle accounts w/ Babin/Weaver (fees & travel) & Niemi (no more work).
- C. Niemi, Bossard (? no contract paper yet!) & Orlando are ruled out. It's best that you directly communicate my decision (EA & SB above) to Niemi & Orlando ASAP & ask Bischoff to correspond directly w/ me (not through Niemi or McDangle).

Once this mess is over I will decide to dispose TL300 w/ SUB approval or w/ minor partition (Batty Don on booth & the remainder). The latter is my preference & for the remainder Eddie has the first option to acquire directly, using (and as collateral & payoff on resale of 9 improved lots).

Btwn Lloyd, Don & now Niemi, I already spent 1 1/2 years & \$5k. Add Babin, this project costs me 2 years & \$8k & I have yet to start construction & I have already paid out 20k advance on (future) resale of Batty house to compensate Eddie on his Ruth project labor. Ruth project is bad enough & I am not interested in repeating another one!

Thanks & good luck! Make sure to send me Findings/Resolution of SUB 1-02 & APP 1-02.

[Signature]

RECEIVED

APR 22 2002

CITY OF BROOKINGS
COMMUNITY DEVELOPMENT

Add this
to 4/22
cc PKB-in
vacat