

# Agenda

City of Brookings  
Common Council Meeting  
City Hall Council Chambers  
898 Elk Drive  
Brookings, OR 97415  
November 25, 2002 7:00 p.m.



*Winter's arrived and in the air  
Here in the Home of Winter Flowers  
We really need these things*

# Agenda

CITY OF BROOKINGS  
COMMON COUNCIL MEETING  
Brookings City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon  
November 25, 2002 7:00 p.m.

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS**

**A. Ceremonies**

1. Five Year Certificate of Employment-Chuck Gage, Public Works Department

**V. PUBLIC HEARING**

- A.** In the matter of Planning Commission File No. ANX-4-02, an application to annex an 11.5 acre parcel of land consisting of four tax lots into the city and rezone the property to the city's R-1-6 (Single-family Residential, 6,000 square feet minimum lots size). The annexation also includes approximately 1.87 acres of the Parkview Drive right-of-way, which makes the connection to the existing city limits of Brookings; Assessor's Map 40-13-31 B, Tax Lots 401,402, 1100, and 1101; Michael Mahar and Petty Smart, applicants; Jim Capp of Western Land Use Services, representative.

**VI. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE**

**A. Committee and Liaison reports**

1. Council Liaisons

**B. Unscheduled**

**VII. STAFF REPORTS**

**A. Finance Department**

1. Fiscal Year 2002 Chamber of Commerce Transient Room Tax Audit
2. Janitorial Services RFP

**B. City Manager**

1. Pelican Bay Telecommunications
2. December Council Meetings Schedule
3. Other

- C. Community Development Department
  - 1. Acceptance of deed for easement across property belonging to Elks Lodge
  - 2. Acceptance of bid for Elk Sewer Line Replacement
  - 3. Approval of main water line extension for Coho Drive, Ernie and Carol Turner.

**VIII. CONSENT**

- A. Approval of Council Meeting Minutes
  - 1. Minutes of October 28, 2002, regular Council Meeting
- B. Acceptance of Parks and Recreation Commission Minutes
  - 1. Minutes of September 26, 2002, regular Commission Meeting
- C. Acceptance of Planning Commission Minutes
  - 1. Minutes of October 1, 2002, regular Commission Meeting
- D. Approval of Vouchers for October 2002 (\$277,717.22)  
(end Consent Calendar)

**IX. ORDINANCES/RESOLUTIONS/FINAL ORDERS**

- A. Ordinances
  - 1. In the matter of Ordinance No. 02-O-554, an ordinance amending the city limits and zoning map of the City of Brookings by annexing an 11.50 acre parcel of land and 1.87 acres of the Parkview Drive including a small portion of Airport Road rights-of-way between the existing city limits and the subject property and rezoning the parcel R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size)
  - 2. In the matter of Ordinance No. 02-O-555, an ordinance granting a 20-year franchise to Coos-Curry Electric Cooperative, Inc., for the operation of an electric power transmission distribution system within the City of Brookings; prescribing the terms, conditions and manner of acceptance of such franchise; repealing Ordinance No. 82-O-368
- B. Resolutions
  - 1. In the matter of Resolution No. 02-R-710, a resolution accepting real and personal properties from the Frieda Longstreet Trust
- C. Final Orders
  - 1. In the matter of Planning Commission File No. ANX-4-02; application for approval of an annexation, Michael Mahar and Petty smart, applicant

**X. REMARKS FROM MAYOR AND COUNCILORS**

- A. Council
- B. Mayor

**XI. ADJOURNMENT**

# City of Brookings Events Calendar

December 2002							December 2002							January 2003																																		
S		M		T		W		T		F		S		S		M		T		W		T		F		S																						
1		2		3		4		5		6		7		8		9		10		11		12		13		14																						
15		16		17		18		19		20		21		19		20		21		22		23		24		25																						
22		23		24		25		26		27		28		26		27		28		29		30		31																								
Azalea Park-Set up for Nature's Coastal Holidays																																																
Sunday December 1							Monday 2							Tuesday 3							Wednesday 4							Thursday 5							Friday 6							Saturday 7						
							7:00pm FH-FireTng/ChSh (Fire Hall)							9:30am KURY Radio Community Focus Talk Show 7:00pm CC-Planning Commssn							12:00pm Comnity Agencies mtg (Chetco Sr.Center) 7:00pm FH-PoliceReserve							8:15am CC-CmtyDevDpt Staff mtg/LLightl 9:00am CC-Crime Stoppers 10:00am CC- Site Plan							Azalea Park-Nature's Coastal													
8							9							10							11							12							13							14						
Azalea Park-Nature's Coastal Holidays																																																
							9:30am CC- VIPS/Volunteers 7:00pm FH-FireTng/ChSh (Fire Hall) 7:00pm CC-Council Mtg							9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (K							2:30pm FH-SafetyComMb HThmpson							8:15am CC-CmtyDevDpt Staff mtg/LLightl 10:00am CC- Site Plan Com Mtg/Lau 7:00pm CC-Parks & Rec																				
15							16							17							18							19							20							21						
Azalea Park-Nature's Coastal Holidays																																																
							9:00am CC-Municipal Court/ JdgHa 6:00pm CC-American Red Cross 7:00pm FH-FireTng/ChSh							9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (K							6:00pm FH-Subrbn Fire Dist Mtg/RexAtwell							8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/Lau																				
22							23							24							25							26							27							28						
Azalea Park-Nature's Coastal Holidays																																																
							9:30am CC-VIPS/Volunteer in Police 7:00pm FH-FireTng/ChSh (Fire Hall) 7:00pm CC-Council Mtg							9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (K							City Hall Closed- Christmas D							8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/Lau																				
29							30							31																																		
Azalea Park-Nature's Coastal							7:00pm FH-FireTng/ChSh (Fire Hall)							9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)																																		

City of Brookings  
Events Calendar

# January 2003

January 2003							February 2003						
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	

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			January 1, 2003	2	3	4
			City Hall CLOSED - New Year 12:00pm Comnity Agencies mtg (Chetco Sr.Center) 7:00pm FH-PoliceReserve	8:15am CC-CmtyDevDpt Staff mtg/LLightl 9:00am CC-Crime Stoppers 10:00am CC- Site Plan Com Mtg/Lau		
5	6	7	8	9	10	11
	9:30am CC- VIPs/Volunteers in Police Service/BPalicki 7:00pm FH-FireTng/ChSh (Fire Hall)	9:30am KURY Radio Community Focus Talk Show w/City Staff/Cou 7:00pm CC-Planning Commssn	2:30pm FH-SafetyComMt HThmpson	8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee		
12	13	14	15	16	17	18
	7:00pm FH-FireTng/ChSh (Fire Hall) 7:00pm CC-Council Mtg	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	6:00pm FH-Subrbn Fire Dist Mtg/RexAtwell	8:15am CC-CmtyDevDpt Staff mtg/LLightl 10:00am CC- Site Plan Com Mtg/Lau 2:00pm CC-CEP (Citizens for Emergency)		
19	20	21	22	23	24	25
	9:30am CC-VIPs/Volunte in Police 6:00pm CC-American Red Cross 7:00pm FH-FireTng/ChSh (Fire Hall)	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)		8:15am CC-CmtyDevDpt Staff mtg/LLightl 10:00am CC- Site Plan Com Mtg/Lau 7:00pm CC-Parks & Rec Comm/ LBlodge		
26	27	28	29	30	31	
	9:00am CC-Muni Court 7:00pm FH-FireTng/ChSh (Fire Hall) 7:00pm CC-Council Mtg	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)		8:15am CC-CmtyDevDpt Staff mtg/LLightl 10:00am CC- Site Plan Com Mtg/Lau 6:30pm CC-Seat Belt Class-Det. P		

# *Certificate of Appreciation*

Awarded to

# Charles Gage

For being a dedicated employee from

# November 7, 1997

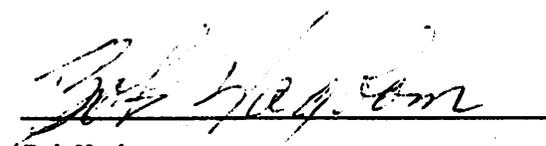
Honored this twenty-fifth day of November, 2002

# For 5 years of service

To the citizens of the City of Brookings

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Leroy Blodgett  
City Manager



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Bob Hagbom  
Mayor



# Memorandum

**TO:** Mayor and City Council  
**FROM:** John Bischoff, Planning Director  
**THROUGH:** Leroy Blodgett, City Manager  
**DATE:** November 6, 2002



**Issue:** Annexation of property on Airport Rd. including a portion of the Parkview Dr. and Airport Rd. right-of-way.

**Background:** At its October 1, 2002 meeting the Planning Commission heard a request to annex an 11.5 acre parcel of land consisting of four tax lots located on the north side of Airport Rd. and a 1.87 acre portion of Parkview Dr. and Airport Rd. rights-of-way, which make the connection to the city limits.

**Recommendation:** The Planning Commission voted to give a favorable recommendation to the Council.

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

SUBJECT: Annexation  
FILE NO: ANX-4-02  
HEARING DATE: November 25, 2002

REPORT DATE: November 6, 2002  
ITEM NO: V.A

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**GENERAL INFORMATION**

APPLICANT: Michael Mahar/Petty Smart

REPRESENTATIVE: Jim Capp, Western Land Use Services.

REQUEST: To annex a 11.50 acre parcel of land consisting of four tax lots into the city and rezone the property to the city's R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size). The annexation also includes approximately 1.87 acres of the Parkview Dr. right-of-way, which makes the connection to the existing city limits.

TOTAL LAND AREA: 11.5 of private land and 1.87 acres of public right-of-way.

LOCATION: On the north side of Airport Rd. opposite the intersection with Parkview Dr.

ASSESSOR'S NUMBER: 40-13-31B Tax Lots 401, 402, 1100, and 1101.

**ZONING / COMPREHENSIVE PLAN INFORMATION**

EXISTING: County R-2 (Residential Two).

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

SURROUNDING: South, Southwest and East—County R-2; North and West—County Forrest Grazing (FG).

COMP. PLAN: County Residential.

PROPOSED: City Residential.

**LAND USE INFORMATION**

EXISTING: Vacant.

PROPOSED: Residential uses.

SURROUNDING: Single family homes on lots of various size and scattered vacant lot.

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

## **BACKGROUND**

The applicant is requesting the annexation of 11.5 acres of private land consisting of four tax lots and approximately 1.87 acres within the Parkview Dr. and a small portion of the Airport Rd. rights-of-way. The annexation includes the Parkview Dr. right-of-way from the existing city limits at the recent Mahar/Gossard/Murray annexation to and across the Airport Rd. right-of-way where the subject property fronts on Airport. Two of the subject lots, Tax Lots 1100 and 1101, front on Airport Rd. opposite the intersection of Parkview Dr. and each of these lots contain a single family home. Both of the remaining lots are vacant and Tax Lot 402 also has frontage on Airport Rd. approximately 505 feet east of Parkview. There are to lots between the frontages of the subject property that are not a part of this annexation request.

The full description of the property can be found in the attached Planning Commission Staff Report, which also contains staff's analysis of the request and the materials submitted by the applicant.

At its meeting of October 1, 2002 the Commission was presented with the staff report and recommendation and heard testimony from the public. There was both support and opposition to the annexation. The Commission unanimously voted to make a favorable recommendation to the City Council.

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

SUBJECT: Annexation  
FILE NO: ANX-4-02  
HEARING DATE: October 1, 2002

REPORT DATE: September 5, 2002  
ITEM NO: 8.2

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**GENERAL INFORMATION**

APPLICANT: Michael Mahar/Petty Smart

REPRESENTATIVE: Jim Capp, Western Land Use Services.

REQUEST: To annex a 11.50 acre parcel of land consisting of four tax lots into the city and rezone the property to the city's R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size). The annexation also includes approximately 1.87 acres of the Parkview Dr. right-of-way, which makes the connection to the existing city limits.

TOTAL LAND AREA: 11.5 of private land and 1.87 acres of public right-of-way.

LOCATION: On the north side of Airport Rd. opposite the intersection with Parkview Dr.

ASSESSOR'S NUMBER: 40-13-31B Tax Lots 401, 402, 1100, and 1101.

**ZONING / COMPREHENSIVE PLAN INFORMATION**

EXISTING: County R-2 (Residential Two).

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

SURROUNDING: South, Southwest and East—County R-2; North and West—County Forrest Grazing (FG).

COMP. PLAN: County Residential.

PROPOSED: City Residential.

**LAND USE INFORMATION**

EXISTING: Vacant.

PROPOSED: Residential uses.

SURROUNDING: Single family homes on lots of various size and scattered vacant lot.

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 11.5 acre parcel of land consisting of four tax lots of 4.83, 4.66, 1.47 and .54 acres in size with two frontages on Airport Rd. The property is located on the north side of Airport Rd. opposite the intersection with Parkview Dr. and extending east from there. The two smaller lots front on Airport Rd. opposite the intersection with Parkview Dr. with the larger parcels adjoining them on the north and extending easterly. Tax lot 402 also has frontage on Airport Rd. approximately 500 feet east of the Parkview intersection. At its westerly end, the two smaller tax lots have 151 feet of frontage on Airport Rd. and a westerly boundary that extends 143 feet to the north then turns west for 110 feet then turns to the northeast for 425 feet to the northerly boundary. The northerly boundary then extends east for 962 feet to a westerly boundary of 527 feet then turns west for 100 feet then back south again for 128 feet to Airport Rd. and west along the street for 90 feet where it turns north again for 155 feet, then west 160 feet, then north 15 feet, then west again 139 feet, then south 170 feet back to first frontage on Airport Rd. The two tax lots (Tax Lots 404 and 406) located between the two street frontages of the subject property are not a part of this annexation request. A single family house is located on each of the smaller lots and the rest of the property is vacant.

Topographically the subject property has a gentle downward slope from the northeast corner to the southwest corner. The highest area of the property extends from the northeast corner to about the center of the two upper lots. From this point the property slopes to the south and southwest. Slopes on the property are from slight to moderate in nature and some portions of the property may exceed 15% grade. A road has been graded into the subject property at the easterly most frontage and loops to the west and another road branches from it. Both roads were graded when the property was being prepared for a subdivision through the county but delayed in favor of annexation.

The subject property is zoned by the county as Residential Two (R-2) as is the surrounding area except directly north and west of the larger lots which is zoned by the county as Forestry Grazing. Development in the surrounding area consists of single family homes on lots of various sizes and scattered vacant lots.

A six-inch water main extends from the pump station at Parkview Dr. and Dodge Rd. to the intersection of Parkview Dr. and Airport Rd. where it turns west. Thus the only frontage of the subject property on the main is from Tax lot 1100 and 1101. Water service to the area is just adequate to serve the existing connections. The nearest sewer main is located at the point where Parkview Dr. makes the 90° turn from an east/west alignment to a north/south alignment near the Alzheimer's facility.

Airport Rd. is a paved travel way within a 50-foot right-of-way with no other improvements. Parkview Dr. is also a paved travel way within a 50-foot right-of-way with no other improvements where it intersects Airport Rd.

## **PROPOSED ANNEXATION**

The applicants are requesting annexation of the four tax lots within the 11.50-acre parcel described above, with approximately 2,000 feet of the Parkview Dr. right-of-way (1.87 acres) that makes the connection between the subject property and the existing city limits. The purpose for the annexation is to bring the property into the city so that a sewer main can be extended to the property to allow

more efficient use of the land than would be allowed under the county jurisdiction and the use of septic systems. The annexation and subsequent subdivision of the property will also upgrade the water mains that serve the area and improve water service to the entire area.

## **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 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.*

Staff agrees with the applicant's findings in regard to the above requirements. All of the required material has been submitted.

#### 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 on this criterion. The UGB is the area around the city that is allowed to develop at an urban density and serves the purpose of reducing urban sprawl by confining growth to the boundary. Although the proposed application is in the form of a "cherry stem" annexation, it is within the UGB and it cannot be expected that all lots that are directly contiguous to the city limits will annex in order. Some cherry stem annexations will take place and other lots along the stem will begin to annex over time as evidenced in that this is the third annexation on the Parkview Dr. area this year.

#### 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).*

Staff agrees with the applicant's findings on this criterion. The proposed annexation will ultimately cause the sewer main to be extended to the northerly portion of the Parkview Dr. area and will also upgrade water service to the area. The recent expansion of the wastewater treatment plant was designed to provide capacity for buildout through the year 2013 at projected population growth. The proposed annexation is a part of that buildout process. The City Police Chief has submitted a letter stating that the proposed partition will not impact the department's ability to provide service to the area. The area is within the existing Suburban Fire Protection District, which is provided service by the city, thus there will be no particular impact on the Fire Department.

#### 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 proposed annexation does not solve a particular problem due to inadequate service to existing development on the property. It does, though, provide a potential solution to the barely adequate water service in the general area of the subject site including the two dwellings on the site. The project will also bring a sewer main into an area developed at near urban density. Although sewer service will not be available to other properties until they annex, the new main will probably result in other annexation requests. Staff agrees with the applicant's findings.

#### 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.*

Staff agrees with the applicant's findings for this criterion. The number of annexations in the Parkview Dr. area is an indication that developable land within the city limits is becoming harder to find.

#### Criterion E.

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

Staff agrees with the applicant's findings for this criterion.

It should be noted that although the applicant's application has addressed all of the criteria of Section 148.030, the application only needs to meet only one of the criteria. The applicant has shown that the property does meet at least one of these criteria.

#### 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.*

In addressing this criterion, the applicant used figures from the 1990 census, which showed figure of 2.38 persons per household and thus 2,363 households within the city. The 2000 census showed a figure of 2.30 person per household, which would equate to 2,469 households in the city. If build out of the subject property yields 66 houses, this would represent slightly less than 3% of the total housing regardless of which figure is used. Otherwise staff agrees with the applicant's findings on 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.*

Again the applicant used 1990 census figures. Substituting the 2000 census figures, 66 homes on the subject property would yield 151 persons rather than the stated 157. This is not a significant difference. Staff agrees with the applicant's findings for this criterion.

Criterion C.

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

(check figures with J. Capp)

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 applicant's findings for this criterion. New development will generate more traffic on Parkview Dr., however, Parkview is listed as currently working at a Level of Service (LOS)

of "A" and is projected to be working at LOS "A" in 2017. As development occurs along Parkview Dr. improvements in the form of curb, gutter and sidewalk will be made to the street. These improvements will tend to increase the capacity of the street.

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 applicant's findings.

## PART 2, 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.*

Staff agrees with the applicant's findings for this criterion. The applicant has submitted a list of the names and addresses of all property owners within 250 feet of the land to be annexed and of the Parkview Dr. right-of-way.

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.*

Staff agrees with the applicant's findings for this criterion.

Goal 3—Agricultural Lands:

*To cooperate with the County in the preservation and maintenance of agricultural lands.*

Staff agrees with the applicant's findings for this criterion.

Goal 4—Forrest Lands:

*To support and cooperate with the County in its efforts to protect forestland.*

Staff agrees with the applicant's findings for this criterion.

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.*

Staff agrees with the applicant's findings for this criterion.

#### 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.*

Staff agrees with the applicant's findings for this criterion. The introduction of a sewer main into the Parkview Dr. right-of-way will allow other properties, upon annexation, to connect to the sewer and discontinue the use of a septic system. The upgrade of the water main to provide increased capacity will allow some owners who are currently on wells to connect to the water system.

#### 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.*

Staff agrees with the applicant's findings for this criterion.

#### 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.*

Staff agrees with the applicant's findings for this criterion.

#### 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.*

Staff agrees with the applicant's findings for this criterion.

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.*

Staff agrees with the applicant's findings for this criterion.

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.*

Staff agrees with the applicant's findings for this criterion.

Goal 12–Transportation:

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

Staff agrees with the applicant's findings for this criterion.

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.*

Staff agrees with the applicant's findings for this 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.*

Staff agrees with the applicant's findings for this criterion. Although the proposed annexation is in the form of a “cherry stem”, it is a legal process to provide the actual connection to the existing city limits. As mentioned above it cannot be expected that all annexations will be of property that is directly adjacent to the existing city limits.

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.

## **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.

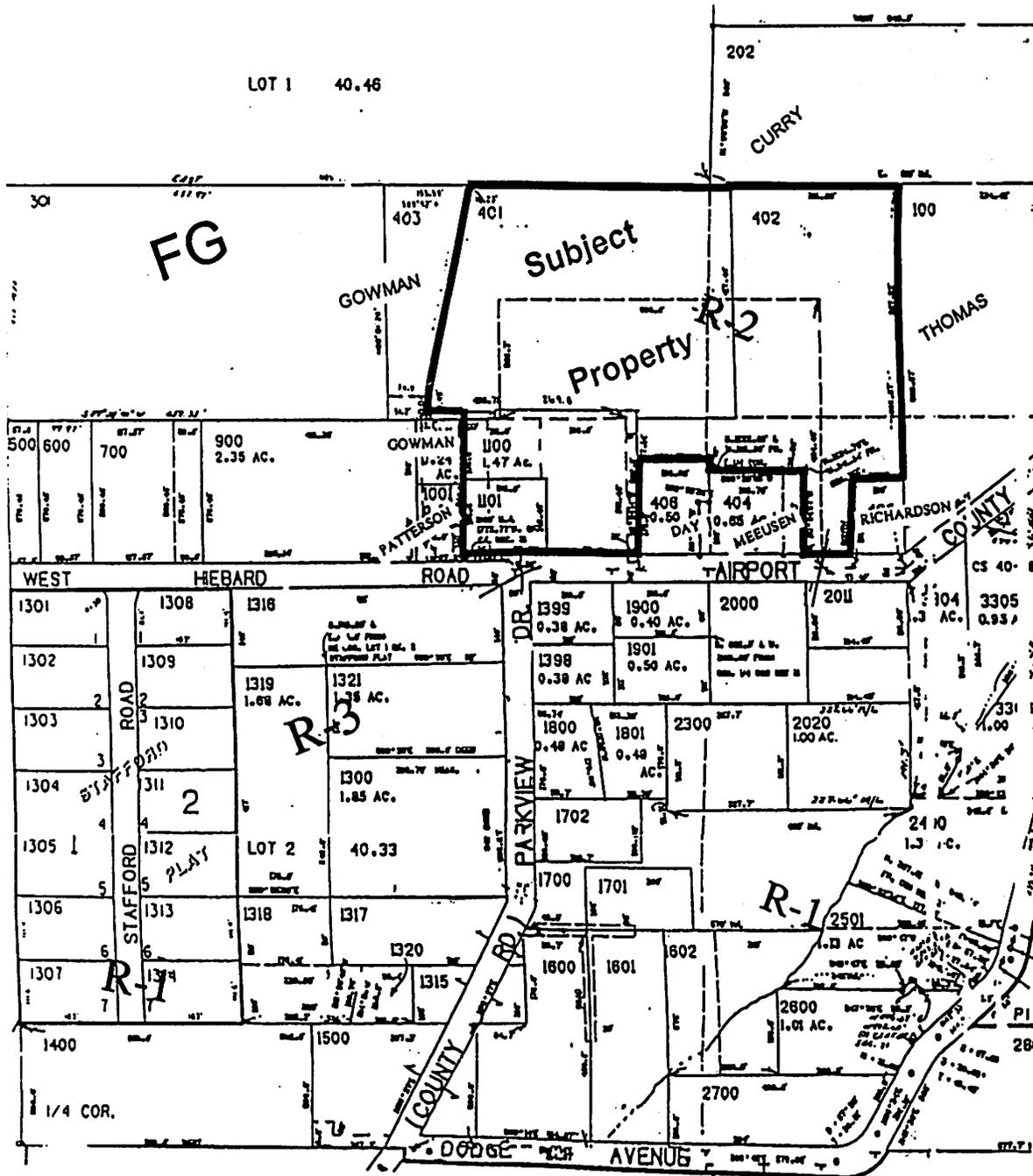
3. The applicant has submitted findings addressing all of the criteria in Section 148.030.
4. The applicant has submitted findings addressing all of the criteria in Section 148.040.
5. The City of Brookings has identified a limited maximum capacity in its wastewater treatment plant. This land use approval does not constitute a representation or commitment that capacity will exist in the wastewater treatment system of the City of Brookings to serve the development proposed. The availability of connection approvals to the wastewater treatment system are on a first come-first serve basis and regulated under the provisions of Ordinance No. 88-0-430.

## **CONCLUSIONS**

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.

## **RECOMMENDATION**

Staff recommends a **FAVORABLE** recommendation of Case File No. ANX-4-02, to the City Council, based on the findings and conclusions stated in the staff report.



Applicant: Michael Mahar

Assessor's No: 40-13-31 B Tax Lots 401, 402, 1100, 1101

Location: Parkview Drive and Airport Road

Size: 11.7 acres + 2.56 acres

Zone: R-2 (Two-family Residential)



# ANNEXATION REQUEST

SUBMITTED TO: CITY OF BROOKINGS, OREGON.

APPLICANTS: Mike Mahar  
815 Alder Creek Drive  
Medford, Oregon 97504

Pete Smart  
17162 Parkview Drive  
Brookings OR 97415

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

PROPOSAL: Michael Mahar and Pete Smart Request annexation to the City of Brookings for undeveloped and developed land within their ownerships together with portions of adjoining "Parkview Drive" right-of-way. The area proposed for annexation includes 9.49 Acres in Mahar ownership; 2.09 Acres in Smart ownership plus approximately 1.87 Acres of land within the Parkview Drive Right of Way which fronts the property and connects the Mahar and Smart property to the existing City Limits. Also requested is the enactment of Residential R-1-6 zoning for the subject property to allow potential residential subdivision under subsequent application.

SUBJECT PROPERTY: Tax Lots 401, 402, 1100 and 1101 of Map 40-13-31B together with approximately 1.87 acres of portions of Parkview Drive Right-of-Way.

Approval of this application will assist the City to carry out its long term growth management desires as expressed in the Comprehensive Plan. A few of the potential benefits to the City are:

- Additional tax revenues to the City;
- Additional utility service revenues to the City;
- An opportunity for 3,200 foot extension and/or improvement of City Sewer and Water lines into the urbanizable area encompassed by the Urban Growth Boundary adopted in 1981, at no cost to the City, and;
- A well planned and fully serviced residential area for existing and future residents of Brookings.

**APPLICABLE CRITERIA:** Brookings Planning Director advises Section 148.020, 030 and 040 of the Land Development Code and several Policies of the Comprehensive Plan 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. Subject Property location
2. Curry County Assessor Map 40-13-31B
3. Notification Map, Assessor Map 40-13-31B with additional information added.
4. Composit Zoning Map, City and County

**NOTICE:** This application has been developed for the specific applicant and 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.

# FINIDINGS IN SUPPORT OF ANNEXATION REQUEST

## Part 1 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 as **Exhibit 1** 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 40-13-31 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 40-13-31B is attached to this application as required. Tax Lots 401, 402, 1100 and 1101 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 40-13-31B

401 Mike Mahar 815 Alder Creek Drive, Medford OR 97504  
402 Mike Mahar 815 Alder Creek Drive, Medford OR 97504,  
1100 Petty & Carla Smart 17162 Parkview Dr Brookings  
1101 Petty & Carla Smart 17162 Parkview Dr Brookings

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:**

This request for annexation does not require consent to annex forms be signed. According to City Planning Director 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 subject property is legally described as Tax Lots 401, 402, 1100 and 1101 of Curry County Assessor Map 40-13-31B together with that portion of the Right-of-Way of Parkview Drive shown on that map leading southerly from Tax Lot 1101 to the southerly most adjacent portion of Tax Lot 1200 of Map 40-13-31CB.

### **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 401; Improvements	\$	0
Land		<u>114,830</u>
Tax Lot 402; Improvements	\$	0
Land		<u>103,580</u>
Tax Lot 1100; Improvements	\$	0
Land		<u>0</u>
Tax Lot 1101; Improvements	\$	0
Land		<u>0</u>

Portion of Parkview Drive

This property is publicly owned and is not subject to taxes.

**b. Finding on this criterion: Acreage:**

All calculations for this criterion are based on lot descriptions found on Map of Survey by Darryl Niemi, Oregon Professional Land Surveyor No. 1868LS, for TL 401 and 402, dated May 2002.

Acreages are:	TL 401	=	4.83	Ac.
	TL 402	=	4.66	Ac.
	TL 1100	=	1.47	Ac.
	TL 1101	=	0.54	Ac. 11.5
	<u>Parkview DR</u>	=	<u>1.87</u>	<u>Ac.</u>
	Total	=	13.37	Acres

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

These parcels are located on Map 40-13-31B

**(a.4.) Owners of Record**

Owners of Record per County Assessor:

TL 401 Mike Mahar 815 Alder Creek Drive  
Medford, Oregon 97504

TL 402 Mike Mahar 815 Alder Creek Drive  
Medford, Oregon 97504

TL 1100 Petty & Carla Smart 17162 Parkview  
Dr Brookings OR 97415

TL 1101 Petty & Carla Smart 17162 Parkview Dr Brookings  
Dr Brookings OR 97415

Parkview Drive [portion of as mapped herein]  
Curry County, Oregon

These ownerships are documented by Curry County Assessor Office recorded documents. Tax Lots 401 and 402 are vacant of structures. Tax Lot 1100 and 1101 are each occupied by a single family dwelling. Pete and Carla Smart are registered elecotors who reside on the premises of Tax Lot 1100. Tax Lot 1101 is occupied by a dwelling which is the residence of , a registered voter.

**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:**

Curry County Assessor records list the address of both Tax Lot 1100 and 1101 as 17162 Parkview Dr Brookings, OR 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 extesion an/orimprovement 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 Lot 401 is occupied by one building which is a small building of approximately 200 square feet in floor area and which is constructed as a small storage building with attached livestock stall. Applicant Mahars preliminary intent is to remove this building during subsequent development. Tax Lot 402 is vacant of structures. Tax Lot 1100 is developed with a dwelling of conventional construction and a detached shop building. Tax Lot 1101 is occupied with a mobile home.

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 R2. The subject property is located within the Brookings Urban Growth Boundary as adopted in 1981 and later amended in 1995.

**b. Finding on this criterion:**

The Tax Lots 401 and 402 are not served by either municipal or on site subsurface sewage systems at this time. Prior to the applicants decision to annex the subject property to the City of Brookings, the process of applying for septic system site evaluations had been undertaken. That process was initiated in anticipation of filing subdivision application to Curry County under the County Residential R-2 zone. We concluded annexation and development to City residential standards would be more in keeping with City plans and intentions to urbanize the Parkview neighborhood over the long run as evidenced in its Comprehensive Plan and Urban Growth Boundary documents which allow extension of municipal sewer service upon annexation to the City. Therefore, the County process was halted after only six septic evaluations had been processed and this request for annexation was initiated. Tax Lot 1100 is occupied by one dwelling and one accessory building. Tax Lot 1101 is occupied by a mobile home.

As discussed elsewhere in this application, it is applicants intent upon annexation to the City and after City approval of tentative subdivision plat for the subject property, to construct sewer and water lines along Parkview Drive to serve that subdivision.

At this writing, the nearest City of Brookings Sewer Line is approximately 3,250 feet distant to the south of the subject within the right-of-way of Parkview Drive. Sewer service 10" line currently ends at the ninety degree curve in that road at the location of the new care facility which is located not far from Highway 101. This proposed annexation and anticipated subsequent subdivision will work in conjunction with the recently

annexed property slightly south of the intersection of Parkview Drive and Dodge Road. 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 South. That road is designated a Collector by the Brookings and South Curry County Transportation Systems Plan.

There is considerable small lot development along the Parkview Drive neighborhood to the north, east and south of the Subject. There is no storm drain system in the vicinity Other services such as Telephone, cable TV and electric lines also exist and are in use in the vicinity.

According to Assessor Map 41-13-31B, 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 2** 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 1** of this application below.

**CONCLUSION ON THIS CRITERION:**

We conclude annexation and development to City, urban residential standards would be more in keeping with City plans and intentions to urbanize the Parkview neighborhood over the long run than would development to County suburban or less dense patterns. This request is in keeping with and complies with the intent evidenced in City Comprehensive Plan and Urban Growth Boundary documents.

**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 remained within the Urban Growth Boundary after Periodic Review work task evaluations 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 was not been challenged during that time and was not 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, its urban facilities and the semi-urban nature (already developed with suburban densities) of the neighborhood. Water and sewer mains are located within the right-of-way of Parkview Drive. The sewer main is located approximately 3,250 feet south of the subject. Water lines are within the adjacent right-of-way however those lines are not adequate to serve the intended use. Neither water

or sewer service is currently available to the subject property. The applicant intends constructing a sewer main to the property and rebuilding and/or installing new water main to the property. Both of these will be accomplished at the applicants expense and at no cost to the City. This situation most certainly qualifies as "economic provision of service". Other services such as power, cable TV, telephone, etc. are already located along this right-of-way and are currently in use within 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 to the south along Parkview Drive within City Limit located approximately 800 feet south of the subject property. The Subject Property has an area of approximately 13.37 acres. City services will not be significantly impacted by annexation of the subject and subsequent development of homesites. On the contrary. Installation of sewer and water mains over such a long distance and at little or no cost to the City will both improve the functionality of those systems and constitute the economic provision of those services to and through the Parkview Drive neighborhood. Development of the subject will result in extension of systems to the subject property and neighborhood of greater size and serviceability than the 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:

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.

There is no municipal sewer service in the vicinity. Applicant Mahar has agreed to install a municipal sewer main along Parkview Drive to reach the subject property. A City water system exists along Parkview Drive in the vicinity but City staff has indicated no more hookups can be allowed to that system because it is of inadequate size and lacks proper water presure. Applicant Mahar has agreed to upgrade that system and/or install replacement portions as needed. Pursuant Brookings Land Development Code, Section 172.065 the costs of such improvements may be reimbursed as other properties develope and hookup to those services. Construction of and/or replacement of these systems most certainly 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.

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 existing inefficient use of urban areas in the neighborhood now and over the planning period. 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 this urbanizable 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; and, it projected a need for 545 acres of Buildable land north of the Chetco River. The subject property, along with neighboring land, was included within that Urban Growth Boundary to accommodate a portion of that identified need.

The Technical Memorandum "Brookings Urban Growth Boundary Needs Analysis" dated March 1995, by Cogan Owens Cogan, which was produced to review land and housing needs for the 1995 Urban Growth Boundary Amendment, projected a need for 662 acres of Residential vacant land north of the Chetco River by the year 2015 (Table 8). This request for annexation would provide 11.5 acres of that need [bear in mind - two dwellings already exist on the subject]. This proposal will provide approximately one percent (1%) of the needed land to the year 2015. This request constitutes only a small portion of the identified need for residential growth of the City as stipulated two decades ago in the Plan; and as confirmed by later study. 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 has been a major amendment to the Urban Growth Boundary. That amendment 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. The City and County prepared findings in support of the UGB which were in response to Periodic Review work tasks issued by LCDC. Those remand findings also verified the need for increased urbanisable area. Throughout this past decade of study and then 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 underscore and emphasize the original decision 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. Parkview Drive is designated a "Collector" in the Transportation Systems Plan. 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 potential high of 66 dwelling units would be an increase in the number of households in the City equivalent to 0.02 or two percent of the existing number of units. A two percent increase in the number of dwelling units subject to police and fire coverage is not great; particularly so considering the Brookings Fire Department already serves the Suburban Fire District (actually operates it by contract) which is a large area surrounding the City. The City already provides fire protection to the vicinity. The percentage of development the subject property would be of actual dwelling units presently served by the District and City combined is lowered to about one percent (.01).

Municipal sewer and water will be required for development and, as indicated, these services are not presently available to the subject property. Sewer does not exist in the area and water is undersized and a problem of inadequate water pressure exists in the existing system. Sewer and water services will be extended by the applicant to serve the subject property at his expense. Applicant's Engineer, Mr. Hoag, has discussed the provision of sewer and water service at various times recently with members of City staff. His estimate of costs to extend or improve those services, to specifications discussed with staff, will be approximately \$200,000 or more. This again at the applicant's expense until neighboring development may bring about reimbursement through LDO Section 172.065.

**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 maximum potential of 66 lots/dwellings on the subject property would add approximately 157 persons to the City population. That is 2% (0.02) of existing households in the City and 157 persons equates to less than 2% (0.02) 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. It is City policy the developer will be responsible for construction of required 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 land in the vicinity assign Tax Rate Code 17-1 to residential areas in the City. We assume tax district 17-1 will be applied to the subject property upon annexation. The pamphlet "2000-01 Curry County Property Tax Rate Summary" reflects the following taxing authorities and rates.

TAX CODE AREA 17-1	TAX RATE	M5 RATE
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 1

## Neighboring Property Value

Tax Lot On Map 40-13-31B	Improvements	Land	Total Value	NOTES
100	44,510	110,240	154,750	
202	14,320	118,700	133,020	
300		129,350	129,350	
301		68,000	68,000	
400		16,910	16,910	
401		62,990	(mv = 114,830)	
402		55,720	(mv = 103,580)	
403	59,629	67,310	126,930	* mmh
404	40,160	50,940	91,100	
406	68,960	50,090	119,050	
900	98,320	101,640	199,960	
1000	14,130	51,410	65,540	
1001	29,400	51,540	80,810	
1100	90,730	58,750	149,480	
1101	15,920	52,860	68,780	
1399	115,850	52,020	167,870	
1900	39,680	47,450	87,130	
1901	47,040	52,610	99,650	
2000	169,900	64,310	234,210	* md
2011	12,740	50,090	62,830	
3300	70,700	117,930	188,630	* mmh
3304	23,960	52,020	75,980	
3305	56,670	48,530	105,200	
3308	15,100	44,390	59,490	
Total of 16 lots with 1 dwelling = 1,720,640				

[Note      mmh = multiple mobile home]  
              md = multiple dwellings]  
              mv = market value]  
              \* = not included in averages]

Average Value (16 lots) = 107,540

The requested Residential zone allows a minimum lot size of 6,000 square feet. Ballpark maximum density can be calculated by first accounting for approximately 20% of land area being utilized for streets and services; then calculating the number of lots possible from the remaining area. The calculation is: 11.5 ac X 43,560 = 500,940 sqft - 20% (100188) = 400,752 sqft divided by 6,000 sqft (per lot) = 66 lots maximum. Although the exact number and layout of lots to be created on the subject property

is presently not certain, applicants surveyor, Mr. Miemi, indicates an anticipated development of approximately thirty to fifty four lots would be more reasonable. This because although the property exhibits mostly mild slopes there may be terrain features which will warrant larger than minimum lot size lots.

Because the applicant's intent is to subdivide and construct single family dwellings on each lot, we average only neighborhood lots with one dwelling. This provides basic information on the existing neighborhood. Sixteen of the lots reported here are developed with one single family dwelling. 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.

The subject property is 11.5 acres or 500,940 square feet.

Twenty percent may be consumed by roads	-100,188	
A water tank location may consume	- 5,000	
Thus leaving land for home construction	<u>395,752</u>	square feet

However, For purposes of this discussion we assume a minimum of 30 lots and a maximum of 54 lots.

-- Assuming the subject property were already developed similarly to neighboring property, the following calculation would reflect increased tax revenue to the City in that case:

-- The average value of an existing neighborhood dwelling is \$107,540.

-- Development of 30 lots X \$107,540 (ave value) = \$3,226,200 X 4.0366/\$1000 (tax rate) = \$13,022.87

-- Development of 54 lots X \$107,540 (ave value) = \$5,807,160 X 4.0366/\$1000 (tax rate) = \$23,441.18

-- Therefore, approximately \$15,000 to \$23,500 per year of additional tax revenue would accrue the City if the property were already developed similarly to the existing neighborhood.

Applicant anticipates development of homes averaging approximately \$300,000 value or greater on fairly large lots. The range of added tax revenues to the City is then higher than in the above example.

-- Development of 30 lots X \$300,000 (ave value) = \$9,000,000 X 4.0366/\$1000 (tax rate) = \$36,329.40

-- Development of 54 lots X \$300,000 (ave value) = \$16,200,000 X 4.0366/\$1000 (tax rate) = \$65,392.92

-- Therefore, some amount between \$36,000 and \$65,000 per year of additional tax revenue would accrue the City if the property were developed as anticipated.

**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 thirty (30) 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 30 dwellings would produce an additional \$19,800 per year to the City. [ $\$55/\text{Mo} \times 12 \text{ mo} \times 30 \text{ dwell} = \$19,800$ ].

The revenue derived from \$55 per month utility bills for 54 dwellings would produce an additional \$35,640 per year to the City. [ $\$55/\text{Mo} \times 12 \text{ mo} \times 54 \text{ dwell} = \$35,640$ ]. Additional revenues to the City of between \$20,000 and \$36,000 would be available.

**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 assume here the average family of three will spend \$500 per month in the community for food, clothing, transportation, and other similar living expenses. Therefore, given new families living in 30 to 54 new residences, an additional \$180,000 to \$324,000 consumer spending per year would be occur 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 will be minimal. At buildout and occupation of 30 homes, there will be a slight impact via increase in traffic to and from the subdivision by occupants. As stated earlier, Parkview Drive is categorized as a "collector" by the Transportation Systems Plan; and, according to that plan is operating considerably below its

design capacity. The neighborhood southerly toward the City exhibits an existing street pattern, with utility and other services in existence. The County Sherriff's office has jurisdiction for police. The City in conjunction with Suburban Fire District already provides fire protection 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.

# Part 2. 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 map printed below shows the required 250' radius.

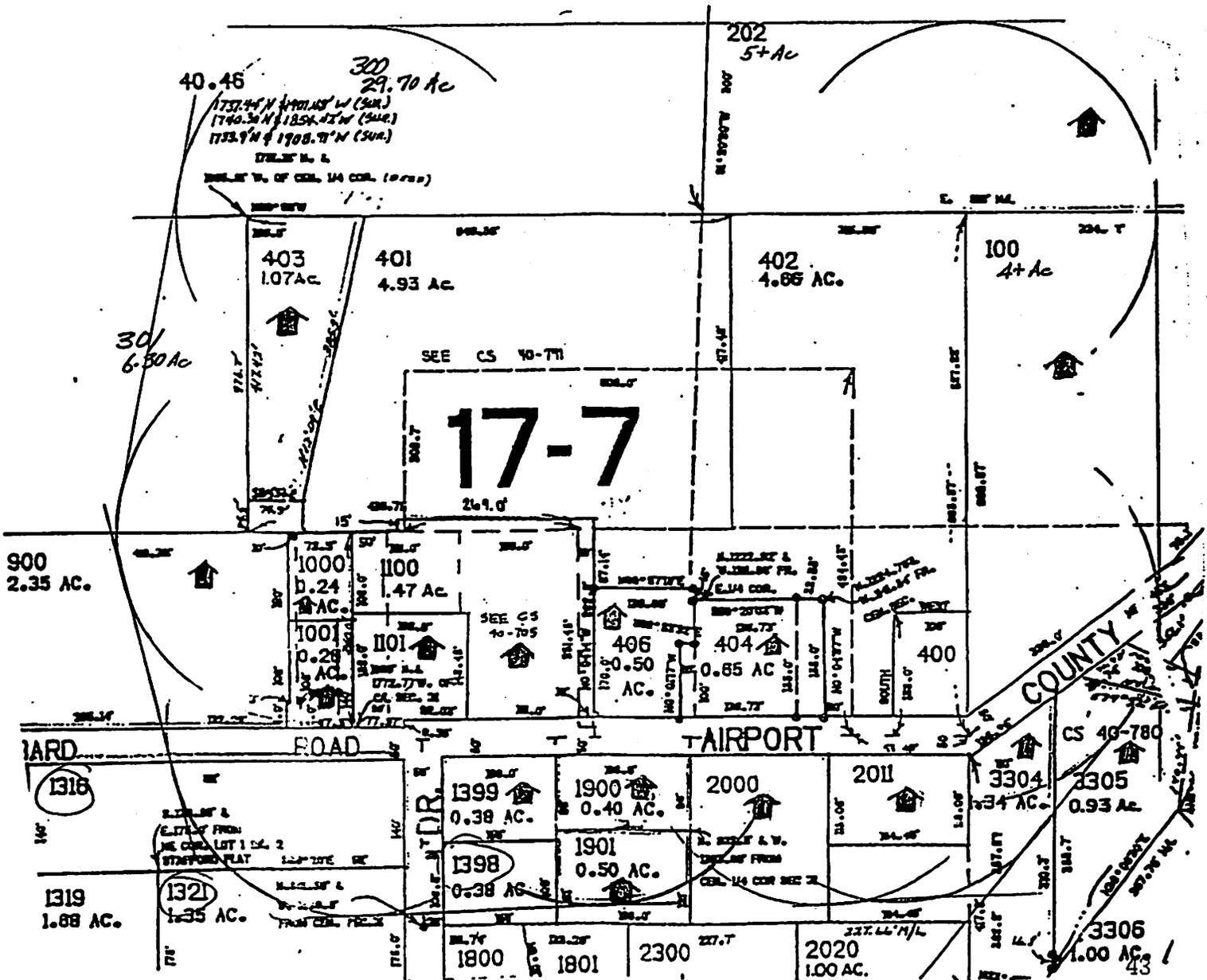


Figure 2 provides ownership information for all lots touched by or included within the 250 foot distance. This list was compiled from Curry County Assessment Department records of ownerships of all property within that 250 feet distance of the subject.

## Figure 2 Owners of Property Within 250'

**Tax Lot      Owner**

**On Map 40-13-31B**

100 Leon E & Jessie M Thomas, 17210 Parkview Dr, Brookings  
202 Lorna Curry PO Box 1473 Brookings  
300 So Co Lumber PO Box 670 Brookings  
301 Milt & Betty Gowman 96903 Gowman Ln Brookings  
400 Toby & Kathy Richardson PO Box 1066 Newcastle CA 95658

401 Mike Mahar - Applicant - 815 Alder Creek Dr Medford 97504  
402 Mike Mahar - Applicant - 815 Alder Creek Dr Medford 97504

403 Gregory Gowman 96941 Gowman Ln Brookings  
404 Erika Meeusen 17170 Parkview Drive Brookings  
406 Sara Day 5491 Tyler Place Fremont CA 94538-1035  
900 Gregory Gowman 96941 Gowman Ln Brookings  
1000 Gregory Gowman 96941 Gowman Ln Brookings  
1001 Robert & Debora Patterson 17164 Rosewood Ln Brookings

1100 Petty & Carla Smart 17162 Parkview Dr Brookings  
1101 Petty & Carla Smart 17162 Parkview Dr Brookings

1316 Milton & Betty Gowman 96903 Gowman Ln Brookings  
1321 Theodore & Thelma Tsunokai 530 Drake Arcadia CA 91007  
1398 Daniel & Deborah Loeffelholz 96975 Rustic Rd Brookings  
1399 Michael & Terry Cook PO Box 344 Grand Ronde OR 97347  
1900 Carina & Michael Moran 17163 Parkview Dr Brookings  
1901 Leona Norris 446 Walten Way Windsor CA 95492  
2000 Roanald Atwell 2431 Plymouth Rd Riverside CA 92506  
2011 Judith Crouse 17185 Parkview Dr Brookings  
3300 Haxel Gudger PO Box 1241 Brookings  
3305 Clelan Carson Est 1018 North Rose Phoenix OR 97535  
3304 Judith Crouse 17185 Parkview Dr Brookings  
3308 Walter Nelson PO Box 432 Brookings

**b. Finding on this criterion:**

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. All four subject tax lots are zoned Residential R-2. 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 3,250' along Parkview Drive. Water mains already exist in the R-o-W of Parkview Drive; however, City staff indicates there is a presure and flow rate inadequacy beyond Dodge Avenue. Additional main line and potential pump facilities and storage are expected requirements for water service. 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..."**

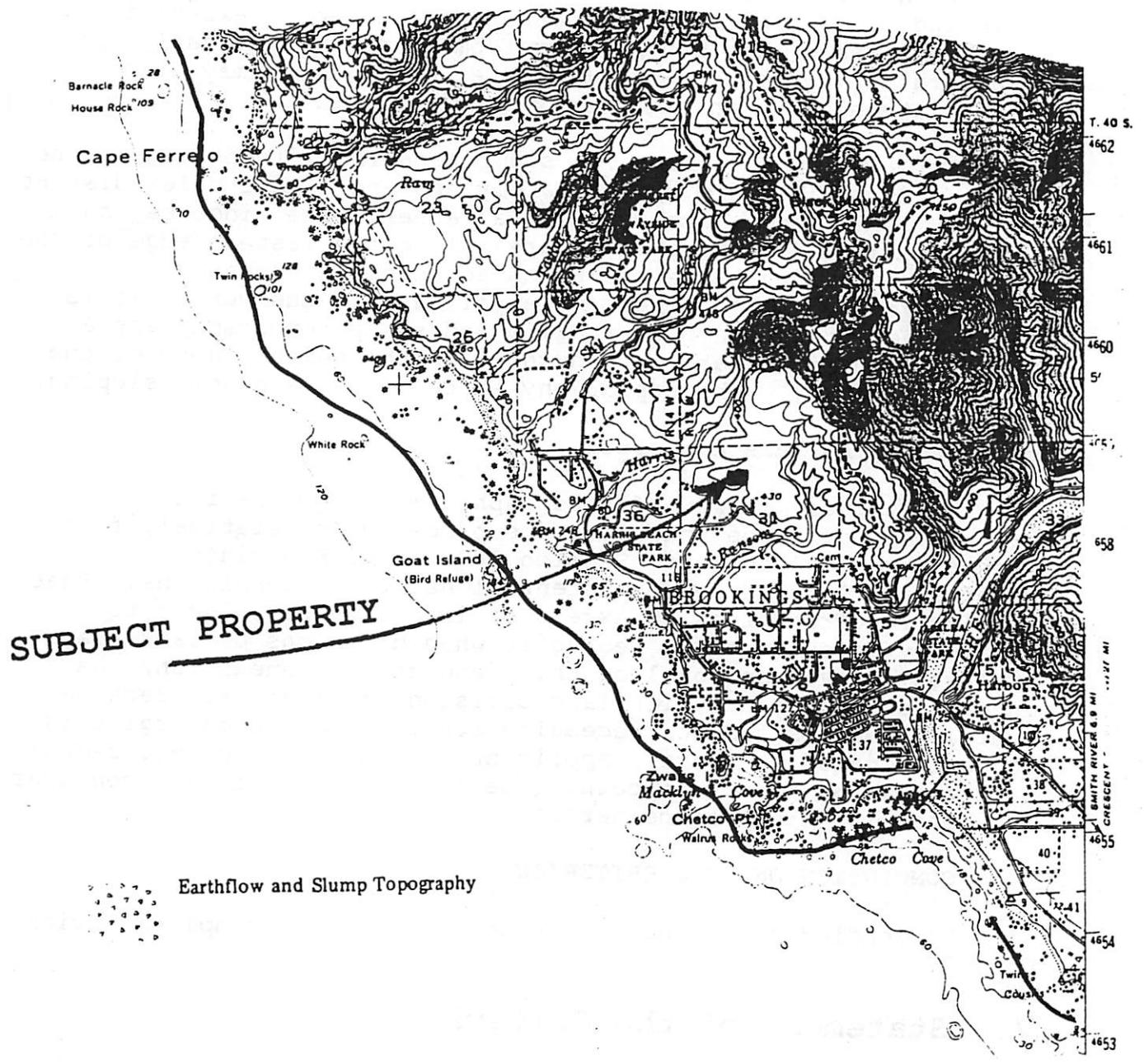
**a. Finding on this criterion:**

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



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 one and a half miles distant to the north on the north side of a rather large ridge beyond Black Mound; and, a very small area along the western edge of the Dawson Tract north of Harris Beach adjacent the ocean approximately one and a half 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. The topography at the site is gently sloping.

**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 5% to 15%. 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, 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. Harris Park has open and wooded areas, rest area and Information Center, nature trails, sandy beaches and picnic areas and public restrooms. 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. This park contains the municipal swimming pool, restrooms, baseball and softball fields, two tennis courts and a paved basketball court. 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. 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 occur 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:

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 in an older neighborhood where many but not all services are available. Water, power, telephone, cable TV and etc. are located in the area. Water service is inadequate and sewer service is not present. Upon approval, this request for annexation will allow and encourage extension of municipal sewer service lines to proposed development and upgrading and extension of the municipal water system in the neighborhood. The extension of sewer and water service will allow more dense development in a sanitary fashion. It may also prevent or allow solution to potential unknown problems. 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 1988 and updated 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 two and a half 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. The subject property is located within the Urban Growth Boundary.

**b. Finding on this criterion:**

The subject property is located approximately one 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 two and a half miles distant to the southeast of the subject along Highway 101 near the intersection of Fifth Street. The subject 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. 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 LCD. 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. The Subject property extends south to include portions of Parkview Drive. It lies adjacent recently annexed Tax Lots 800 and 803 which border the west Right-of-Way of Parkview Drive and it lies adjacent recently annexed Tax Lot 1200 which borders the east Right-of-Way of Parkview Drive. Those lots are located within the City Limits. Therefore, the subject property is contiguous to the City. 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. This annexation request is a reasonable approach to City growth in this area which is in large measure developed with lots of larger than urban size and/or configurations which make redevelopment to urban densities difficult. The process of growth and urbanization will, over time be stimulated by the construction of Sewer and Water mains which will be required. Provision of these services along Parkview will, over time, prove an incentive for further urbanization as is projected for this area in the Comprehensive Plan and Plan Map.

**c. Finding on this criterion:**

As demonstrated on the Zoning Map 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 two miles as the crow flies from the Chetco estuary. Runoff from precipitation received on the subject property will drain to the Pacific Ocean along the small natural drainage which runs southwesterly from the property parralleling 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 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.

**15. Statement of the Criterion:**

**Goal 17 Coastal Shorelands**

**a. Finding on this criterion:**

The subject property is located one 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.

**16. 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 one 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.

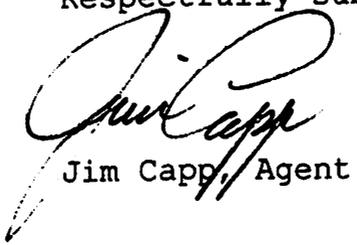
**CONCLUSION ON THIS CRITERION:**

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

**CONCLUSION:**

Applicants Mahar and Smart request Annexation of the subject property. As indicated herein this request has been demonstrated to be consistent with and to comply with provisions of the Brookings Land Development Code and Comprehensive Plan which regulate annexations. This annexation will provide the initial step in bringing about the intent of the Comprehensive Plan and Urban Growth Boundary for this portion of the Brookings Community.

Respectfully submitted:

  
Jim Capp, Agent

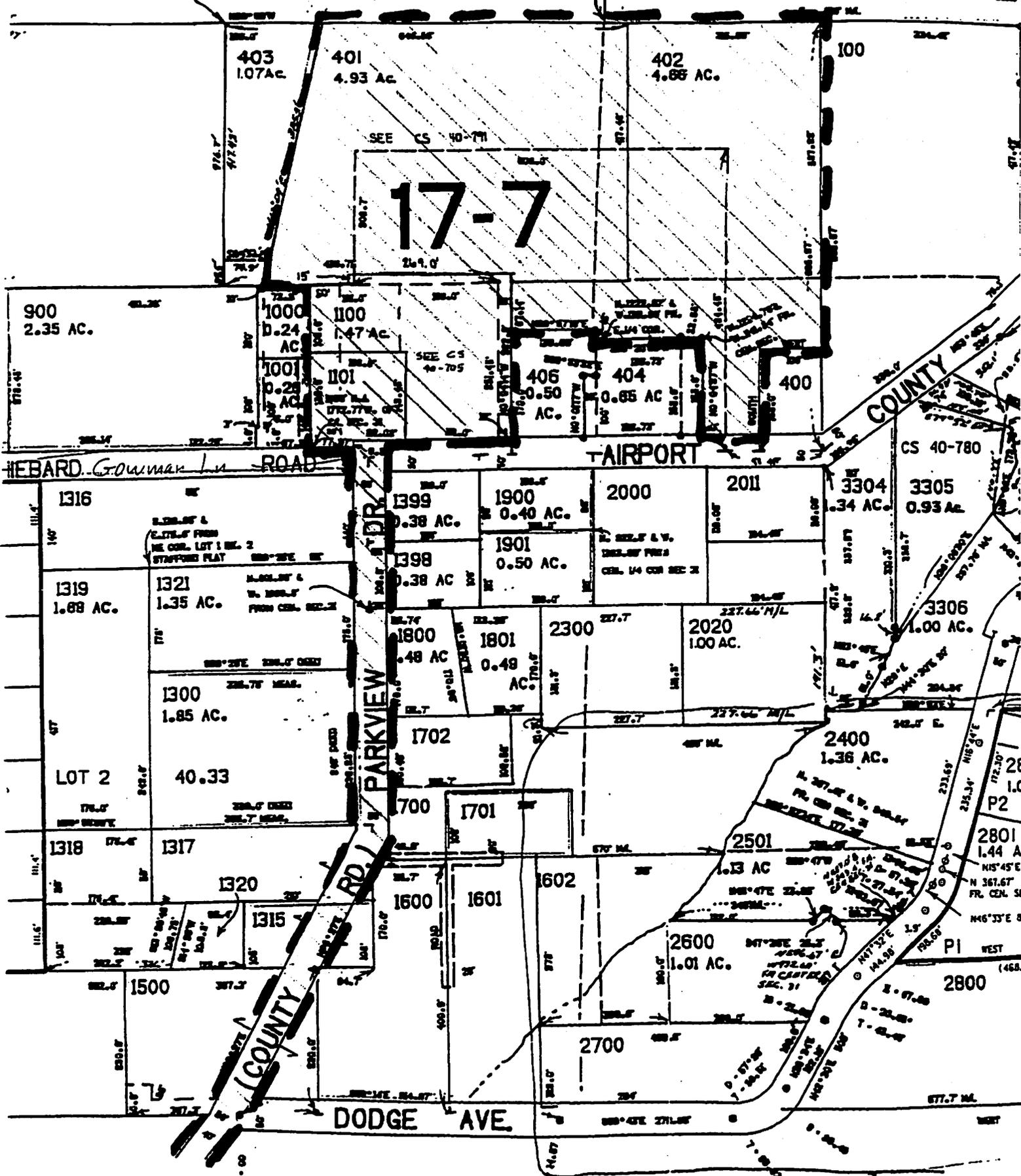


1737.46' N 1740.14' W (SAR.)  
1740.36' N 1854.42' W (SAR.)  
1732.9' N 1705.91' W (SAR.)

1741' N. E.

1741' N. OF COR. 14 COR. (SAR.)

# EXHIBIT 2



## 17-7

COUNTY

HEBARD-GOWMAN LN ROAD

AIRPORT

PARKVIEW DR

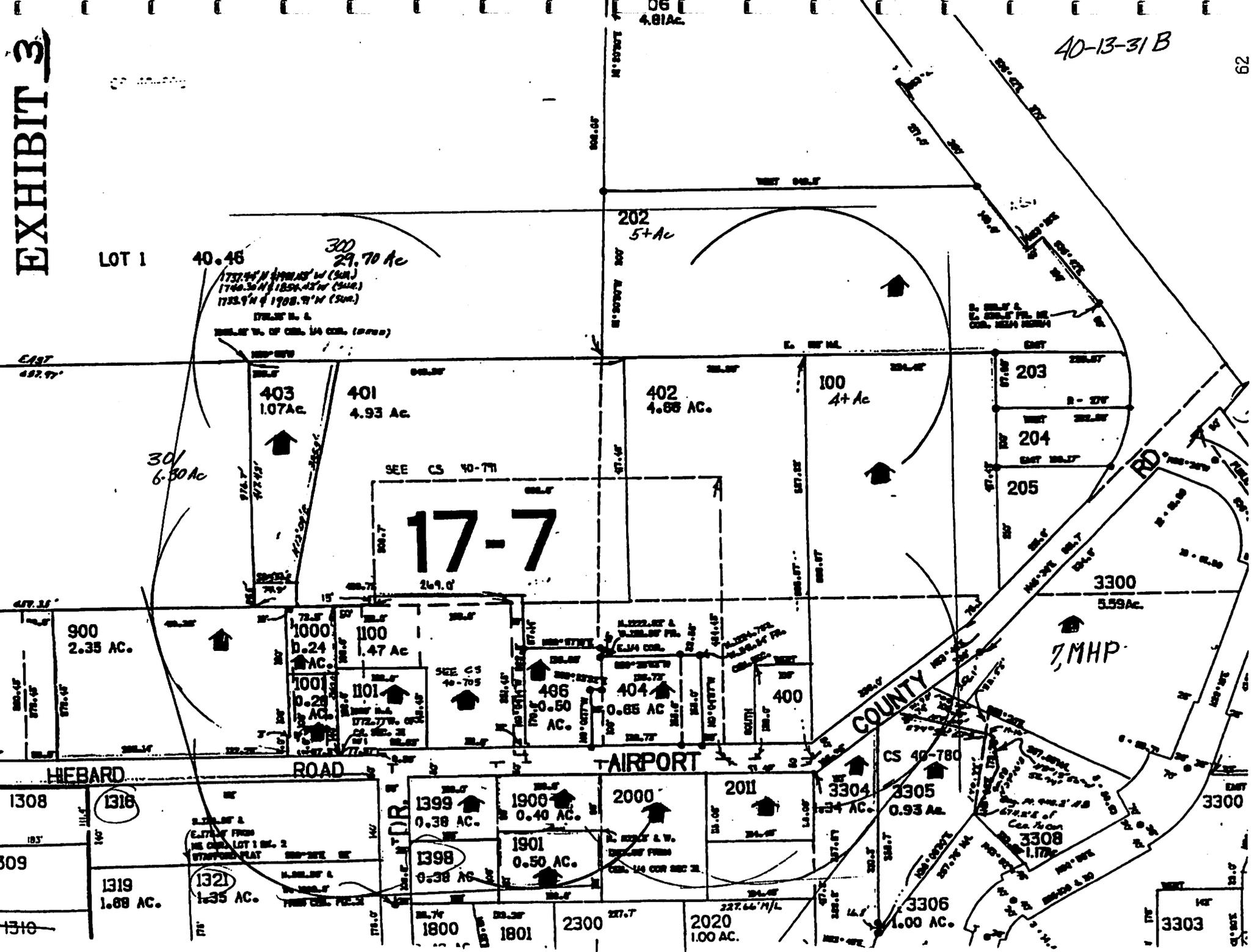
COUNTY RD. 1

DODGE AVE

SEE MAP 40 13 31C

EXHIBIT 3

40-13-31 B



LOT 1

40.46

300  
29.70 Ac

1737.44' N 89°04' W (300)  
1746.36' N 185°42' W (300)  
1733.9' N 190°0' W (300)

1738.2' N 8' E  
N.E. 1/4 OF COR. 140 COR. (300)

403  
1.07 Ac

401  
4.93 Ac

202  
5+ Ac

402  
4.88 AC.

100  
4+ Ac

203

204

205

30/  
6.50 Ac

17-7

3300  
5.59 Ac

7 MHP

HEBARD ROAD

AIRPORT ROAD

COUNTY ROAD

1308

1316

309

1319  
1.88 AC.

1321  
1.35 AC.

1310

1399  
0.38 AC.

1900  
0.40 AC.

2000

2011

3304  
0.34 AC.

3305  
0.93 AC.

3300

1398  
0.38 AC.

1901  
0.50 AC.

2020

2011

3304

3305

3300

1800

1801

2300

2020  
1.00 AC.

3306  
1.00 AC.

3303

**ANNEXATION APPLICATION**

**LETTER OF CONSENT**

**City of Brookings**

**Date:**

**I, A TENANT ON THE FOLLOWING PROPERTY (DESCRIPTION OF PROPERTY)**

Identified as Tax Lot 1101, Assessors Map 40-13-31B, in Curry county Oregon.

**AGREE TO THE REQUESTED ANNEXATION OF THE ABOVE PROPERTY.**

*Rapp B. [Signature]*

**SIGNATURE OF TENANT**



# CITY OF BROOKINGS POLICE DEPARTMENT

CHIEF CHRIS WALLACE

898 ELK DRIVE  
BROOKINGS, OREGON 97415

PHONE (541) 469-3118  
FAX (541) 412-0253

**To:** Mr. John Bischoff

**From:** Chief Chris Wallace 27813/201

**Date:** 09-06-02

**Subject:** Parkview Drive Annexation

John,

In regards to the request for annexation to the City of Brookings by Applicant/ Rep Mike Mahar, Pete Smart and Jim Capp it is my opinion this annexation will have minimal impact on the Brookings Police Department as related to police coverage.

Chief Chris Wallace



“Home of Winter Flowers”



17096 Parkview Drive  
Brookings OR 97415  
September 24, 2002

Dear Mr. Bischoff,

We cannot attend the hearing scheduled for 10-01-02 re:

annexation of 11.7 acres up Parkview and Airport Road, Mike Melan, appl.

Therefore we are sending this letter:

We object to this annexation. We have lived on Parkview Drive for 22 years and do not want to become part of the city in the future. Strip annexing sometimes encourages this. Traffic off Parkview onto 101 (left) is already congested as our area grows. We want to keep our rural atmosphere.

Sincerely,  
Al & Karen Koepnick

## Staff Report

**To: Mayor Hagbom and City Council**  
**Through: Leroy Blodgett, City Manager**  
**From: Paul Hughes, Finance Director**  
**Re: Fiscal Year 2002 Chamber of Commerce Transient Room Tax Audit**

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### Background

According to the contract between the City and the Chamber of Commerce, dated July 1, 2001, the Chamber shall prepare an accounting of disbursements separate and apart from its general books (the "Promotions Ledger"). The City Manager, or if so requested by the City Manager the City's Finance Director, may examine the Promotions Ledger during normal business hours.

The following procedures were used to perform the audit:

- Tie the monthly expenditure detail totals to the related Promotions Ledger for the months of January 2002 – July 2002.

Finding: There was a \$50.85 difference between the two reports during the six month period. This amount is **immaterial** compared to the \$19,898.25 expense reported.

- Examine expenses to assure that no more than 30% of revenues received by Chamber from City were used for payroll related costs.

Finding: None of the revenues were used for payroll related expense.

- Compare total promotion related expenditures reported by the Chamber to the total transient room tax revenues received from the City during fiscal year 2002.

Finding: The Chamber received revenues from the City in the amount of \$35,697.07 between July 1, 2001 and June 30, 2002. The Chamber reported \$51,352.28 of promotion related expenditures during the same period of time.

- Examine selected expenditures to determine if they are related to or in support of tourism promotion and or local and special events in the Brookings-Harbor area.

I examined six months of detailed expenditures and chose every fifth expense for testing, a total of 18 items. I had the Chamber pull the cancelled checks and invoices/receipts for the 18 items.

Finding: Upon examination of the 18 items, there was no evidence to suggest that the expenditures were for anything other than tourism promotion.

Conclusion: Based on this examination, it appears that the Chamber is disbursing and accounting for the transient room tax revenue received from the City, according to the agreement dated July 1, 2001.



# Staff Report

**To:** Mayor Hagbom & City Council  
**Through:** Leroy Blodgett, City Manager  
**From:** Paul Hughes, Finance Director  
**Date:** November 18, 2002  
**Re:** **Janitorial RFP**

---

## BACKGROUND

The City was notified by the janitorial service provider that they could no longer provide service to the City at the current rate of \$800.00 a month. The City issued a request for proposals for janitorial service with a closing date of Friday, October 25, 2002. Staff sent the RFP to all licensed janitorial companies in the city as well as having a public notice in the Pilot. We did not receive any proposals by the closing date. Our current provider, Custodial Related Services of Oregon (C.R.S.), submitted a proposal on November 1, 2002. The proposal from C.R.S. increases their monthly rate from \$800.00 to \$925.00

## RECOMMENDATION

Although the proposal from C.R.S. was submitted after the closing date, staff recommends awarding the contract to them due to the lack of response from the RFP, and to authorize Mayor Hagbom to sign the contract.

C.R.S (CUSTODIAL RELATED SERVICES, OF OREGON)

Janitorial Service Agreement

**This agreement** is to provide the City of Brookings with janitorial services detailed in the "cleaning duties" list attached and by such reference incorporated herein; and further, the parties by their signatures do agree to be bound by the terms in regards to services to be performed.

**Work Performance:** The Contractor will maintain his own work schedule and hours, unless otherwise directed by the City, provided such are not in conflict with City activities.

**Labor:** This agreement for services is with C.R.S and services will be exclusively performed by C.R.S., owners and/or the employees of C.R.S. In the event that C.R.S <sup>is</sup> are not able to perform janitorial services as agreed, they will recommend a replacement and obtain approval from the Finance Director before allowing an alternate janitor in their absence. In the case that an alternate janitor is needed, C.R.S will be responsible for instructing the alternate janitor in the services to be provided to the City.

**Insurance:** The Contractor shall carry at least \$500,000 combined single limit for general liability including personal injury insurance for all employees of said company to cover any expense or loss associated with the services rendered. The Contractor shall likewise carry adequate worker's compensation insurance coverage for all employees of said company and will pay any and all employment related taxes in regards to social security and unemployment in relation to services rendered. Proof of such coverages shall be delivered to the City upon execution of this contract and upon renewal of such insurance coverages each year. Failure to do so shall result in termination of this agreement.

**Independent Contractor Status:** C.R.S does warrant and represent to the City of Brookings that the company will be performing services to the City as an independent contractor under this agreement. While the City shall, from time to time provide Contractor with equipment and materials to be used in the services rendered, said Contractor shall perform the services in a manner befitting discretion and control by the Contractor. For any materials provided by the City, it shall be the responsibility of the Contractor to requisition such materials through the normal purchasing procedures of the City.

**Bonding:** C.R.S shall furnish to the City of Brookings a \$10,000 surety bond to secure the performance of service obligations to be rendered to the City.

**Inspection:** All work by the Contractor shall be performed on a timely basis to the satisfaction of the administrative authority of the City. Criteria for inspection will be based upon the detailed list of duties given to C.R.S (CONTRACTOR). In addition, it is the understanding of both parties that any janitorial services needed for special functions of the City which are outside the normal

operations are not covered under the list of duties and will be the responsibility of the City.

**Security:** The Contractor shall be responsible for securing all doors and windows of the City premises, the turning off of all lights, and in every other manner securing the premises from intrusion by the public.

**Compensation:** C.R.S. shall be paid the month sum of \$925.00 for janitorial service.

**Term:** This agreement is effective as of December 1, 2002 and shall continue until its termination.

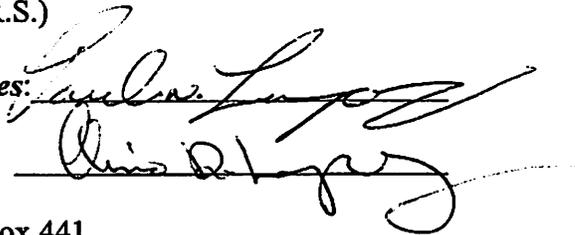
**Termination:** This agreement shall be terminated within thirty (30) days after either party submits written notice of its intent to terminate.

**Assignment:** This agreement is personal to C.R.S. and cannot be assigned by C.R.S. to any third party or successor in interest without the express written consent of the City.

**Date:** 10/31/02

**Contractor:** Custodial Related Services of Oregon  
(C.R.S.)

**Owner Signatures:**



**Address:** P.O. Box 441  
Brookings, Oregon, 97415

**CITY OF BROOKINGS**  
898 Elk Drive  
Brookings, Oregon 97415

**By:** \_\_\_\_\_  
Authorized Representative

**Date:** \_\_\_\_\_

## Contracting Parties

In sealed envelope, two copies of response to this request for proposal should be delivered or mailed to:

City of Brookings  
Attention: Finance Director  
Janitorial Service  
898 Elk Drive  
Brookings, OR 97415

Responses will be accepted until 3 p.m. (PDT) on Friday, October 25, 2002. No late proposals will be considered. Receipt is made when delivered to the above address either in person or via mail. Postmark date does not constitute receipt. Fax responses will not be accepted.

## Scope of services

Janitorial services will be provided to the City of Brookings on a contractual basis (a sample contract is attached). The successful bidder must hold a business license in the City of Brookings. The contractor will provide all equipment required to perform the duties listed below. The City supplies all light bulbs, trash bags, toilet paper, and paper towels. Contractor will be responsible for notifying the Finance Department in sufficient time of supply levels to allow for ordering. Due to the numerous meetings held at City Hall in the evenings, work to be completed should be scheduled ~~to be completed~~ **AT A TIME SO AS NOT TO DISRUPT ANY MEETINGS BEING HELD.**

The following cleaning duties are to be performed in all offices at City Hall including the Police and Fire Departments.

### Daily

1. Vacuum all carpeted areas: hallways, offices, council chamber and rugs. Straighten all area rugs.
2. Empty all trashcans, replace liners and take garbage bags to dumpster.
3. Clean restrooms to include cleaning and sanitizing toilets, clean counters, sinks, and mirrors and mop floors. Restock: paper towels and toilet paper daily, toilet seat covers, soap and toilet bowl deodorizers as needed.
4. Clean drinking fountain.
5. Dust all surfaces in all offices as needed but a minimum of weekly.
6. Clean kitchen area: sinks and counters, ~~dirty coffee cups~~, coffee pot, empty trash can, mop floor and restock paper towels.
7. Replace all burned out light bulbs.
8. Check clipboard in janitors' office for additional requests or notes.

### Weekly

9. Clean window glass in council chambers and entrance doors, business office windows and all interior door and window glass.
10. Dust council bench and benches in hallway.
11. Take newspapers and soda cans in kitchen to recycling bins.

## Quarterly

12. Wash all exterior windows inside and out.

~~Yearly~~

13. Clean all carpeted hallways and high traffic areas. AT ADDITIONAL CHARGE UPON REQUEST

*Daily  
Weekly*

## Police Department Only ~~(Daily Service)~~

14. Empty all trashcans, replace liners and take garbage bags to dumpster. Empty trash can/ash tray outside of police department front door. Offices that you will not have access to will place trashcans outside of office door to be emptied. Leave at least two extra can liners in the bottom of all trash cans in the police department.
15. Clean restrooms to include cleaning and sanitizing toilets, clean counters, sinks and mirrors and mop floors. Restock: paper towels and toilet paper daily, toilet seat covers, soap and toilet bowl deodorizers as needed.
16. Clean kitchen area: sinks and counters, ~~dirty coffee cups~~, coffee pot, floor, empty trash can, vacuum floor and restock paper towels.
17. Clean jail cells and booking room: mop floors, clean sinks and toilets.

*Weekly*

18. Sterilize jail cells and the booking room.

19. ON CALL WHEN AVAILABLE AS USUALLY DONE AT ADDITIONAL CHARGE.

# CITY OF BROOKINGS

*Where the Flowers meet the Sea*



## Memorandum

Date: November 14, 2002  
To: Pelican Bay Telecommunications Board  
From: Leroy Blodgett, City Manager

CC: Port Commissioners & City Councilors

Subject: Pelican Bay Telecommunications

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## BACKGROUND

During 2000-01 the Chamber of Commerce received a grant from the Oregon Economic Development Department to study the potential of attracting high-tech industries to the Brookings-Harbor area. One of the discoveries was the lack adequate "broadband" in Curry County to provide high-speed Internet. Discussions started with Coos Curry Electric, Verizon and Charter Communications about their plans for providing service. At the same time there were many complaints about the service and cost of cable TV. City staff began exploring ways to make improvements. It seemed the best option would be to bring competition to the market. However, it was apparent that attracting another provider was going to be difficult or, more likely, impossible. We then started looking at the possibility of providing cable TV as a municipal utility and found that many other communities were already providing service or exploring it, as we were. The most successful community appeared to be the City of Ashland. At the time the Port of Brookings-Harbor was doing the same thing and we felt it made sense to combine our efforts.

On November 19, 2001, City Council voted to join with the Port to explore the possibility of providing cable TV service to residents in the area and directed city staff to work with Port staff in this effort. At that time the Port had already created a non-profit corporation (PBT) that was providing wireless internet service in the Port area. Jim Relaford, PNR, was retained to prepare a preliminary business plan.

On February 11, 2002, City Council approved goals for the 2002-03 fiscal-year. One of the goals is "Improve Cable TV Service." This goal was in response to the numerous complaints from citizens about the quality and cost of service provided by Charter Communication.

On February 25, 2002, Jim Relaford presented to City Council findings of his initial work in preparing the business plan. Relaford explained that by having fiber optics we could provide both cable TV and Internet services. While improved cable TV is important to the residents, high-speed Internet may be essential for certain businesses and overall economic development. City Council voted to accept the Fiber Network Business Plan and authorized expenditure up to \$7,500 for additional work. The Port had already taken the same action.

On April 8, 2002, I reported to City Council the progress made to date. City and Port staff agreed that using the existing non-profit organization would be the best option to begin the process of establishing a utility service for cable TV and Internet service. Bylaws were

amended to give the City and Port equal representation by having two members appointed by the City, two by the Port and third at-large member appointed by those four. Port Commissioners John Zia and Ken Byrtus were appointed by the Port Commission and Mayor Hagbom and Councilor Dentino were appointed by City Council. Those four members later appointed Don Tilton as the member at-large.

Since April, 2002, the PBT Board and staff have been working to restructure the non-profit organization and exploring funding options. The first thought was for the City and Port to be equal share holders. In order to do this we needed to dissolve the existing non-profit corporation and file new articles of corporation. The new corporation would have been a "for-profit" with profits distributed equally to the City and Port. However, the PBT board of directors decided they did not want to be a "for-profit" organization and any profit should be returned to the customers by reducing cost. The final decision of the board was to use the existing PBT non-profit corporation as the entity owning and operating the utility, but have Gary Georgeoff, attorney, prepare new articles of corporation and bylaws for the organization.

At the October 8, 2002, City Council meeting a resolution was passed to approve application for a loan to PBT from Coos Curry Douglas Business Development Corporation (CCD). The loan amount is \$28,000. The actual loan will not be approved by CCD until the new corporation created. I talked with the Executive Director of CCD to confirm that the City would not be obligated for repayment of the loan. He said the resolution was more for support of the loan application and the City or the Port would not be named in the actual loan agreement. PBT also has a loan application for another \$28,000 from Curry County Economic Development Corporation (CCEDC). The money will be used for upgrade and expansion of the wireless system and operating capital.

### **WHAT ABOUT THE FUTURE**

It seems that we are now at a crossroad in time and should decide on how, or if, we should continue. When we started it was due to the many citizen complaints about quality and cost of cable TV service provided by Charter Communications. Since then Charter has met with us and the Port on numerous occasions to discuss the problems. They were obviously concerned about the effort of PBT to compete and may have made changes to improve the quality of service. However, even if that is true, I don't believe any changes have been made to lessen the cost of service.

Over the past few months complaints received at City Hall about cable TV have decreased dramatically. This may be due to better service or people may just be getting used to the poor service or a feeling the complaints do no good.

We should now ask ourselves: Are the people satisfied with the service from Charter? Is there still a need for competition? Is the risk worth taking? Has our goal of providing a quality service at a reasonable price been met?

If we move forward, it is crucial that both the City Council and the Port Commission makes a strong commitment to support the project. At some point in the future it will be necessary to borrow a significant amount of money to complete this project. And, even though there may not be any financial obligation of either the City or Port it will be perceived by the public as a City/Port endeavor.

There may be some concern as to the risk of taking loans for the capital cost of the infrastructure. PBT may be vulnerable to Charter lowering rates to compete or force PBT into default on the loan agreement. Even though PBT would be non-profit, it would still need to make loan payments and cover operation and maintenance cost.

I would like to report to City Council on November 25, 2002 on the feelings of the PBT Board of Directors.

1. Should we stop and do nothing?
2. Should we continue the partnership with the non-profit corporation only providing wireless Internet service?
3. Should we proceed with the idea providing cable TV and Internet service throughout the Brookings-Harbor area?

# **CITY OF BROOKINGS**

*Where the Flowers meet the Sea*



## **STAFF REPORT**

Date: November 20, 2002  
To: Mayor Hagbom & City Councilors  
From: Leroy Blodgett, City Manager

Subject: December Council Meetings

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## **BACKGROUND**

The December Council meetings are scheduled for December 9<sup>th</sup> and 23<sup>rd</sup>. To have our meeting on the 9<sup>th</sup> council packets would need to be ready by Wednesday of next week and the second meeting is only two days before Christmas.

## **STAFF RECOMMEDATION**

Move to reschedule the December 9, 2002, City Council meeting to December 16, 2002 and cancel the December 23, 2002 City Council meeting.

# Memorandum

**TO:** Mayor and City Council  
**FROM:** John Bischoff, Planning Director  
**THROUGH:** Leroy Blodgett, City Manager  
**DATE:** October 25, 2002



**Issue:** Acceptance of an deed for an easement across property belonging to the ELKS Lodge.

**Background:** The city has requested an easement over a sewer main extending through the subject property and has received the attached deed granting the easement.

**Recommendation:** That the Council accept the deed for recordation.

**DESCRIPTION FOR THE CITY OF BROOKINGS (GRANTEE)  
BROOKINGS, OREGON LODGE NO. 1934, BENEVOLENT AND PROTECTIVE ORDER OF  
ELKS (GRANTOR)**

A FIFTEEN (15.00) FOOT WIDE SEWERLINE EASEMENT

THE UNDERSIGNED HEREBY GRANTS TO THE CITY OF BROOKINGS, A NON-EXCLUSIVE EASEMENT FOR THE PURPOSE OF THE CONSTRUCTION OF A MUNICIPAL SEWERLINE OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY IN CURRY COUNTY, OREGON:

**OWNER OF RECORD (GRANTOR):**      **BROOKINGS, OREGON LODGE NO. 1934, BENEVOLENT  
AND PROTECTIVE ORDER OF ELKS**

TAX MAP 41 13 6 AD - TAX LOT 1700 - DEED REFERENCE: VOL 60, PAGE 400

**A FIFTEEN (15.00) FOOT WIDE SEWERLINE EASEMENT LOCATED IN THE SOUTHEAST  
QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 41 SOUTH - RANGE 13  
EAST, W.M., CURRY COUNTY, OREGON. LYING SEVEN AND ONE HALF (7.50) FEET EITHER SIDE  
OF THE FOLLOWING DESCRIBED CENTERLINE:**

**BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST  
QUARTER OF SECTION 6, TOWNSHIP 41 SOUTH - RANGE 13 EAST, W.M., CURRY COUNTY, OREGON:  
SAID POINT OF BEGINNING BEING ALSO REFERENCED AS THE SOUTHWEST CORNER OF LOT 8,  
SECTION 6, TOWNSHIP 41 SOUTH - RANGE 13 EAST, W.M., CURRY COUNTY, OREGON: THENCE, NORTH  
A DISTANCE OF 470.00 FEET; THENCE, EAST A DISTANCE OF 170.40 FEET TO THE TRUE POINT OF  
BEGINNING; THENCE, SOUTH A DISTANCE OF 420.16 FEET MORE OR LESS TO A POINT LOCATED ON  
THE NORTHERLY LINE OF ELK DRIVE AND THE TERMINUS POINT. *THE SIDELINES OF SAID EASEMENT  
BEING ELONGATED OR SHORTENED TO MEET THE PROPERTY LINE OF THE GRANTOR.***

THE RIGHTS, CONDITIONS, AND PROVISIONS OF THE EASEMENT SHALL INURE TO THE BENEFIT OF AND BE BINDING UPON THE HEIRS, SUCCESSORS AND ASSIGNS OF THE PARTIES HERETO. THIS EASEMENT IS APPURTENANT TO THE REAL PROPERTY OWNED BY GRANTOR. THE UNDERSIGNED WARRANTS AND DECLARES THAT ALL PARTIES WHOSE PERMISSION, CONSENT OR AUTHORITY IS REQUIRED TO GRANT THIS EASEMENT TO THE GRANTEES AS STATED ABOVE HAVE SIGNED THIS EASEMENT.

DATED THIS 8th DAY OF October 2002.

GRANTOR:

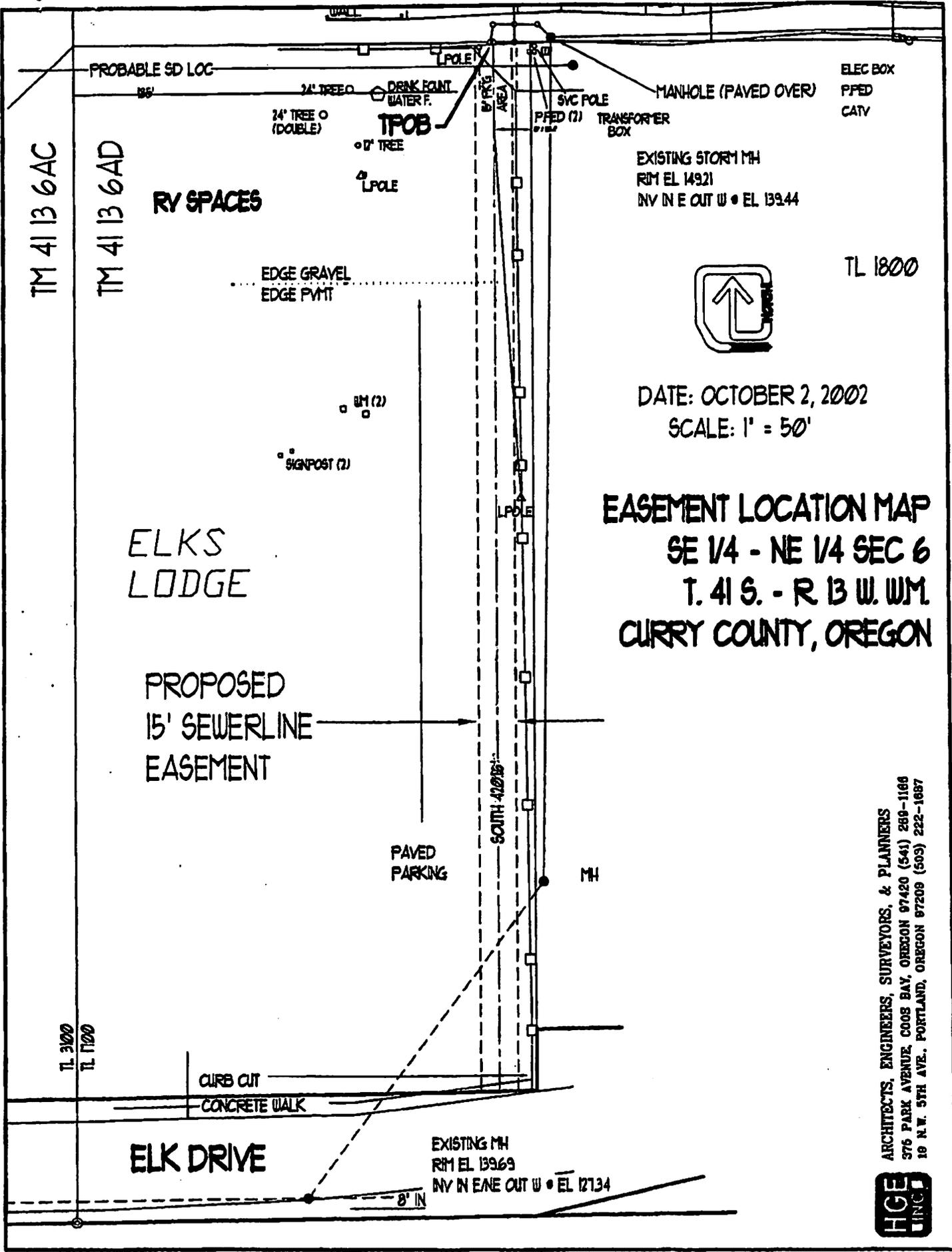
*B. A. Adams*  
**BROOKINGS, OREGON LODGE NO. 1934, BENEVOLENT AND PROTECTIVE ORDER OF ELKS**

STATE OF OREGON    )  
                                  ) ss.  
County of CURRY    )

Before me on the 8th day of October, 2002, personally appeared the above named B.A. Adams, B.P.O.E. # 1934,  
Chairman, Trustees and acknowledged the foregoing instrument to be their voluntary act and deed.

Notary Public For Oregon *Shirley Hearing*  
My Commission Expires: 10-14-2004





**EASEMENT LOCATION MAP**  
**SE 1/4 - NE 1/4 SEC 6**  
**T. 41 S. - R. 13 W. WM.**  
**CURRY COUNTY, OREGON**

DATE: OCTOBER 2, 2002  
 SCALE: 1" = 50'

ARCHITECTS, ENGINEERS, SURVEYORS, & PLANNERS  
 376 PARK AVENUE, COOS BAY, OREGON 97420 (541) 280-1166  
 10 N.W. 5TH AVE., PORTLAND, OREGON 97209 (503) 222-1687





Building Planning Public Works  
Wastewater Water

## MEMO

TO: Mayor and City Council  
FROM: Leo Lightle, Community Development Director *LL*  
DATE: November 13, 2002  
RE: Elks Lodge Sewer Line Relocation

Project #02.13 was advertised by HGE, Inc., and the City received one bid.

The bid is: B & B Excavation at \$85859.64

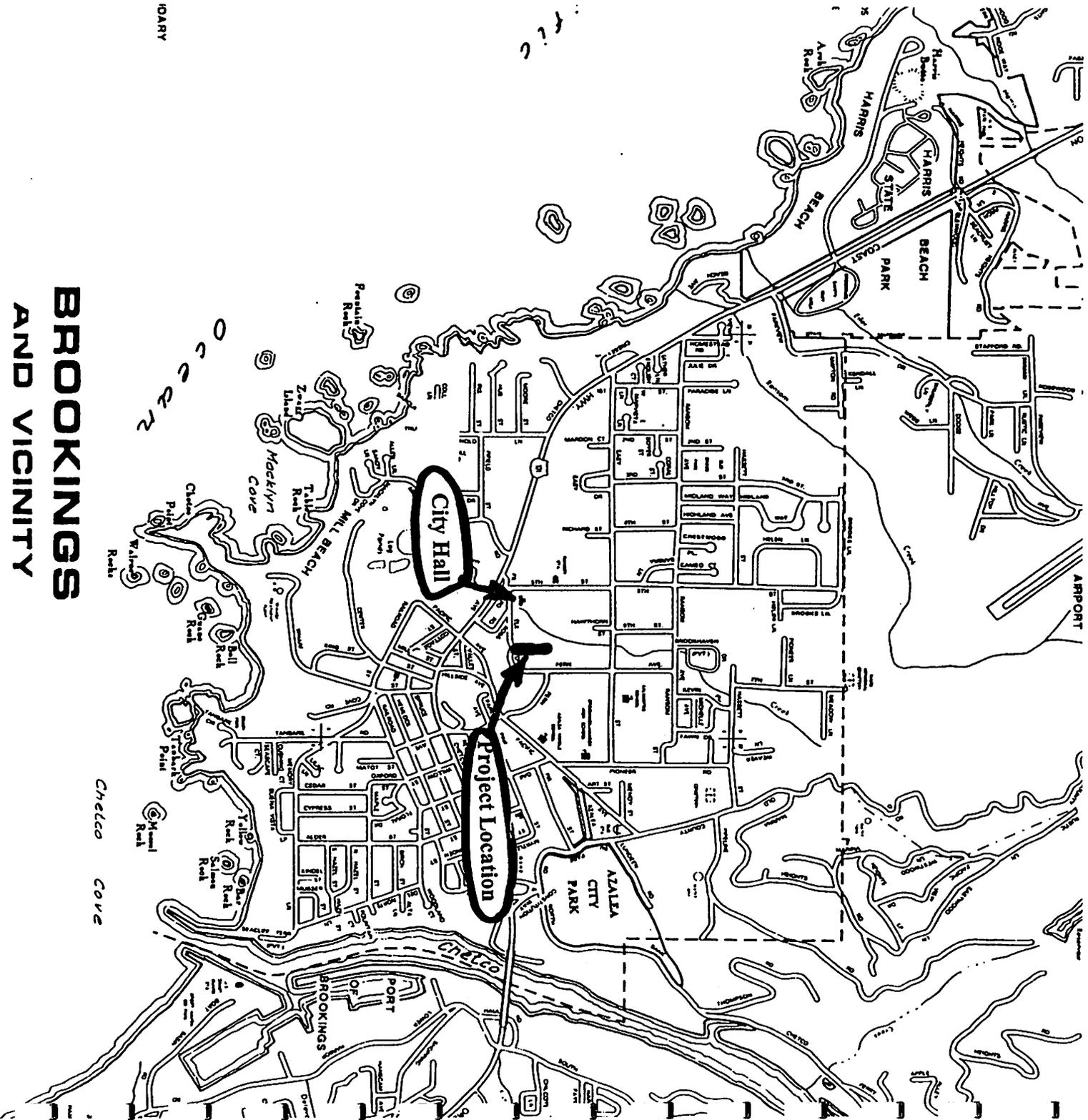
### Recommendation:

The City Council awards the contract to B & B Excavation in the amount of \$85859.64 for the Elk Lodge Sewer Line Relocation Project with 120 days for completion of the project.

### Background:

The City Engineer reviewed the bid and recommends awarding of the Contract to B&B Excavation. Originally we planned to bid the job earlier in the year therefore we had a shorter time frame for completion. With the weather issues and scheduling issues it seems appropriate to allow the extra time for completion of the project. The contractor has stated that if he has the window of opportunity he will get in earlier and do the job but would appreciate some flexibility.

With the last several projects we receives only one bid and therefore we should make reasonable accommodations to those who bid our projects.



# BROOKINGS AND VICINITY CURRY COUNTY, OREGON

PREPARED BY H.G.E., INC., COOS BAY, OREGON

02497



Building Planning Public Works  
Wastewater Water

## MEMO

TO: Mayor and City Council

FROM: Leo Lightle, Community Development Director *LBL*

DATE: November 13, 2002

RE: North Bank Waterline ext. applicant Ernie and Carol Turner

**Recommendation:** Staff recommends approval of Plans for a waterline extension as approved by the City Engineer Richard Nored and City Staff.

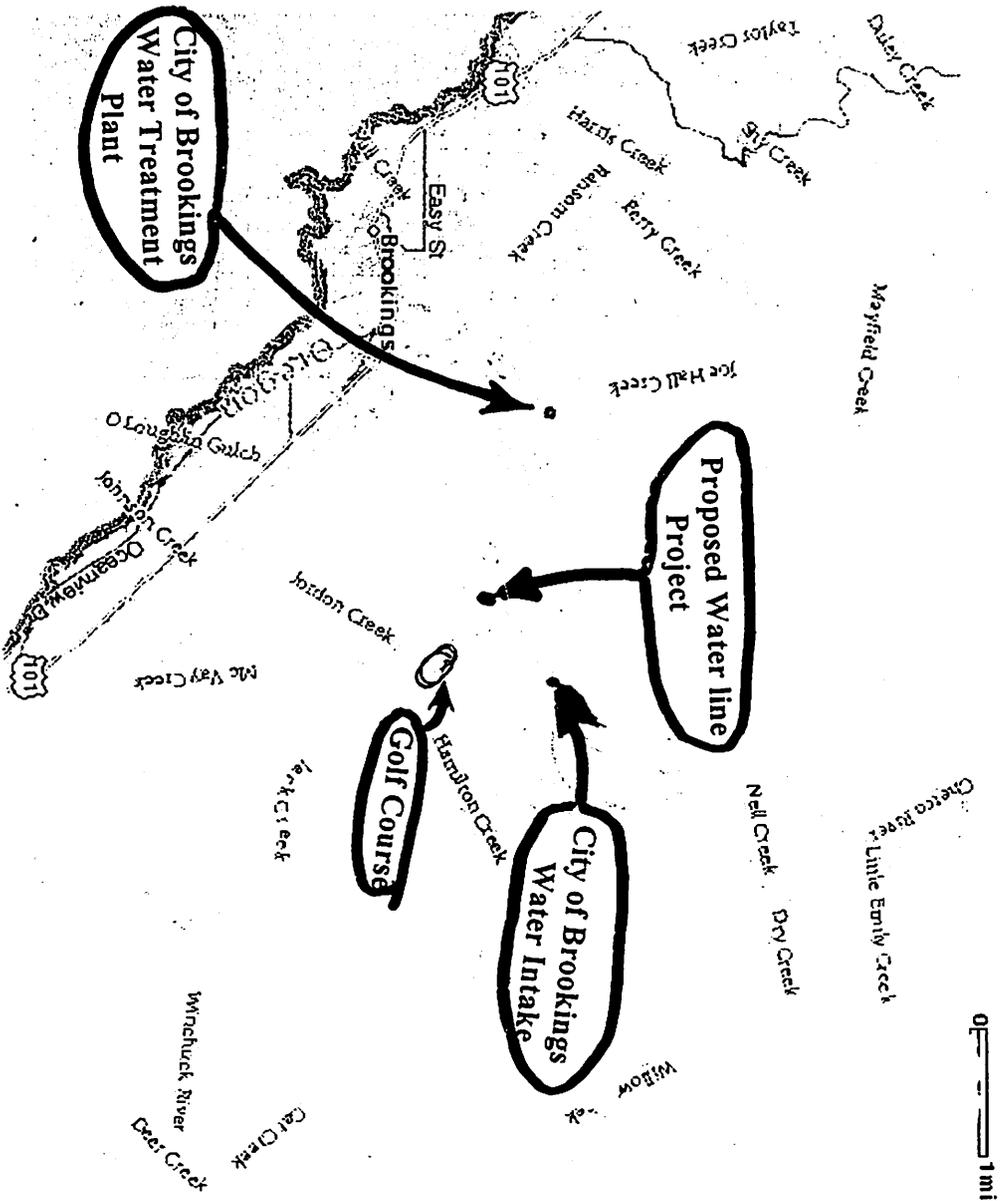
Background: see attached maps for the location.

Ordinance 190 Section 5 a) requires that the City Council approve Water main extensions and water main sizing. Ernie and Carol Turner have caused plans to be drawn up and those plans have been submitted to our City Engineer.

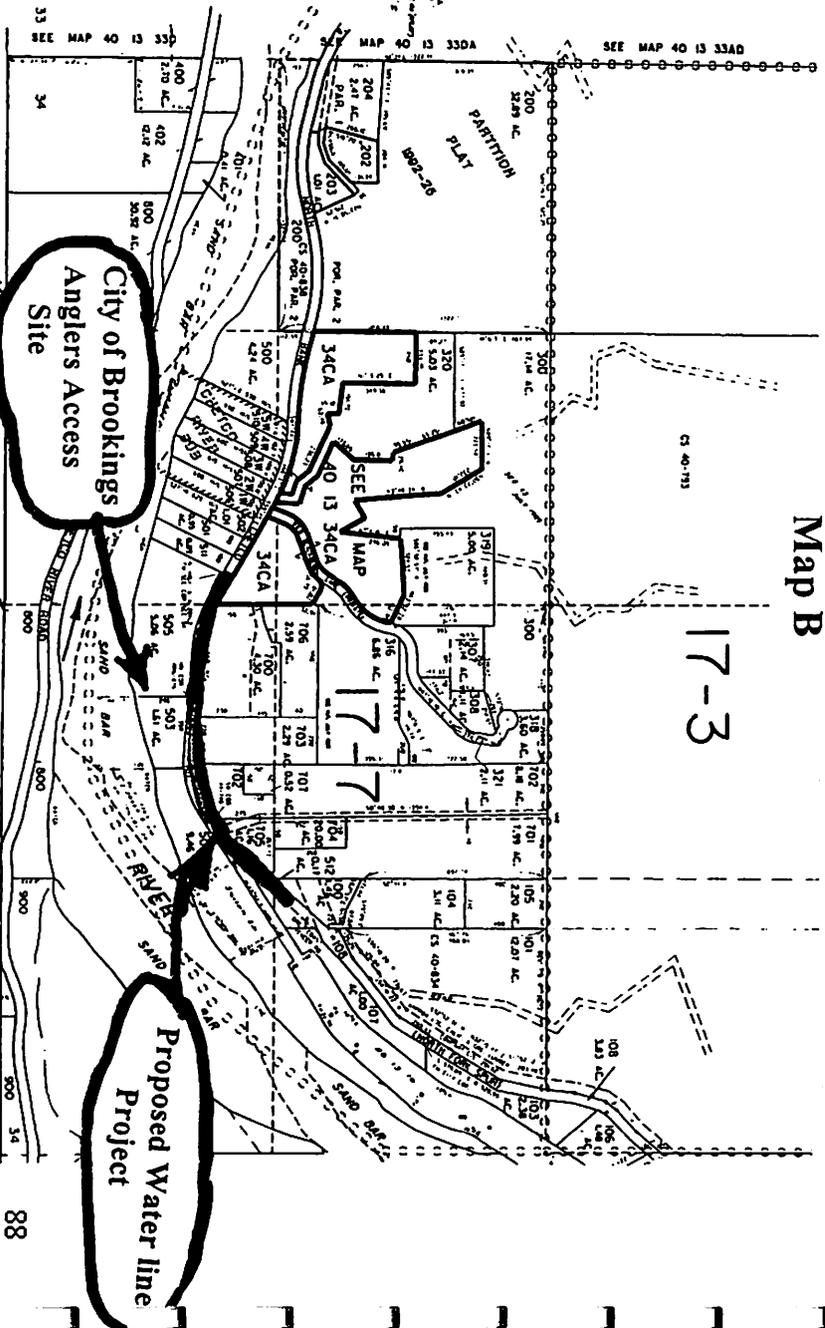
The main extension will be 10 inch in diameter with a reduction to a 6-inch mainline. All cost will be the responsibility of the applicant. There is a payback associated with anyone who would connect to the new line who; was not previously connected to the line, and did not share in the cost of the line extension. This payback does not apply to anyone who would have to extend the main line to get service.

Our City Engineer has recommended approval for the plans as amended.

Map A



Map B



ERNIE AND CAROL TURNER  
16290 Chapman Lane  
Brookings, Oregon  
541-412-7414 phone  
541-412-8405 fax  
[ecturner@harborside.com](mailto:ecturner@harborside.com)

November 18, 2002

To the Mayor of Brookings and its City Council Members:

Please place an item on your Agenda for the next City Council meeting, asking for approval to extend the city water line further up the North Chetco River Road, within the Urban Growth Area. The line currently extends to Steevens Bros Storage, at 98744 North Chetco River Road, and we would like to extend it an additional 1265 feet, and also take it 505 feet up Coho Road.

Plans have been drawn by Don Hoag, engineer, and approved by the City engineers.

Thank you for your consideration of this matter.

A handwritten signature in cursive script, appearing to read "E.C. Turner".

Ernie and Carol Turner

**CITY OF BROOKINGS  
COMMON COUNCIL MEETING MINUTES  
City Hall Council Chambers  
898 Elk Drive, Brookings, OR 97415  
October 28, 2002 7:00 p.m.**

**I. CALL TO ORDER**

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

**II. PLEDGE OF ALLEGIANCE**

Led by Mark Haglund

**III. ROLL CALL**

Council Present: Mayor Bob Hagbom, Council President Larry Curry, Councilors Frances Johns Kern, Lorraine Kuhn, and Rick Dentino, a quorum present. Councilor Johns Kern was not present at roll call and joined the meeting at 7:02 p.m.

Council Absent: none

Staff Present:

City Manager Leroy Blodgett, City Attorney John Trew, Police Chief Chris Wallace, Treatment Plants Operator Mark Haglund and Administrative Secretary Linda Barker

Media Present: Curry Coastal Pilot Reporter David Courtland

Other:

approximately 6 other citizens

**IV. CEREMONIES/APPOINTMENTS ANNOUNCEMENTS**

**A. Ceremonies**

1. Recognition of Gerald Kessler—5 years employment with City Of Brookings

Kessler was unable to attend this meeting and will be honored at a later time.

2. Recognition of Mark Haglund—5 years employment with City of Brookings

Mayor Hagbom presented a certificate of recognition to Mark Haglund, Treatment Plants Operator.

3. Ceremony of Appreciation to members of VIPS for participation in Kalmiopsis Elementary School programs, School Principal Chris McKay.

Kalmiopsis Elementary School Principal Chris McKay presented certifications of appreciation to members of VIPS who have worked with safety programs at the school. Those members present were Larry (Eddie Eagle) and Ruth Carter and Marilyn Wood. McKay will be sending certificates to members who were not able to attend the meeting: Doug Johnson, Enos Muniz and Donald Landrus. Quoting Aristotle she praised these VIPS for their service to the school and community: "We are what we repeatedly do."

B. Appointments

1. Appointment of Student Ex Officio Officers to City Council, Planning Commission, and Parks and Recreation Commission

Michelle Carrillo, a sophomore at BHHS, was appointed as Student Ex Officio Officer to the Planning Commission. Her first meeting will be November 5, 2002. Taking a place at the podium, she told about her classes and interests. One of her major interests is soccer and she will be playing in a state playoff game Tuesday, October 29. Citing her interest in what is going on in the community, particularly the Borax property and future plans for its development, she thanked the Mayor and Council for her appointment.

Mayor Hagbom added that other students may be appointed in the near future for the Parks and Recreation Commission and Council Ex Officio positions.

2. Appointment of Planning Commission Position #4—term expiring April 1, 2005

Jim Collis and William Dundom applied for Position #4 on the Planning Commission which was opened with the resignation of Tom Davis. However, since there are currently two Commissioners who live outside the city limits and inside the Urban Growth Boundary only Jim Collis qualified as he lives within the city limits.

**Councilor Johns Kern moved, it was seconded, and the Council voted unanimously to appoint Jim Collis to Planning Commission Position #4, term expiring April 1, 2005.**

**V. SCHEDULED PUBLIC APPEARANCES**

- A. Representative from Curry Transfer and Recycle—Results summary of September, 2002, Clean-up Campaign

Carla Smart, Curry Transfer and Recycling, gave a summary of the September Clean-Up Campaign. She said 400 cubic yards of organic yard debris were either picked up on the customer's regular collection day or taken to the Wridge Creek transfer site by the public. If customers called in and had missed their regular collection date, CTR had special runs to collect that debris. The amount collected, 400 cubic yards, is equivalent to 3½ to 4 chip truck loads. Metal debris was also collected at the Wridge Creek site. The majority of the 250 tons of metal debris was delivered to the collection site in pickup trucks and small trailers. The amount of metal collected is equivalent to 125 10-ton dump trucks. Smart felt this clean-up campaign contributed greatly to eliminating rubbish in the community.

**VI. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE**

- A. Committee and Liaison
1. Chamber of Commerce-None
  2. Council Liaisons

Councilor Dentino was part of the group who toured Pelican Bay Prison. He participated in a League of Oregon Cities telecommunications teleconference, saving the city money by not traveling to Salem. He also attended a school board meeting and a candidate's forum at the library presented by the Society of the Blind.

Councilor Kuhn also attended the prison luncheon and tour, stating it was very enlightening and she would not wish to live there.

Councilor Johns Kern said she goes to the Prison every other month as part of the Prison Advisory Council and although she has been through the prison many times, every time she goes there is something new to learn about the system. She attended a school board meeting and said the new building construction is going well.

Councilor Curry attended the Prison tour which was enjoyable.

Councilor Johns Kern added she had been in contact with Janet Kasbalm, Prison Community Resources Manager who was please the group had toured the prison facilities.

Mayor Hagbom commented we all had fewer questions after the prison tour.

Hagbom gave a summary of the "If I were Mayor, I Would..." contest that was jointly sponsored by the League of Oregon Cities (LOC) and the Mayor's office. The City submitted 19 entries from Mrs. Kroy's sixth grade class at Azalea School. Contest winners from the statewide contest were picked and notified October 25 by LOC officials. The poster winner is from Astoria and the essay winner from Lake Oswego. In all, LOC received 125-130 poster entries and 50 essays. Some of the posters will be displayed at the LOC annual conference being held November 7-10 in Portland. Local youth entering the contest will be presented certificates of appreciation tomorrow.

B.      Unscheduled-None

## VII. STAFF

A.      City Manager

1.      Other

a.      With no opposition or concern raised by the Councilors, City Manager Blodgett stated the City will make application for the Councilors and himself to join the newly formed Rural Resource Alliance. Supporters of lily growers and fishing industries from Curry and Del Norte counties have joined to form an alliance to protect and enhance the economic, cultural and environmental facets of our region. The group's first meeting will be October 29 at 5:30 p.m. at the Ship Ashore in Smith River.

b.      Blodgett recommended the November 11 Council meeting be canceled as the Council will just be returning from the League of Oregon Cities annual conference that day.

**Councilor Dentino moved, it was seconded, and the Council voted unanimously to cancel the November 11, 2002, City Council meeting.**

**VIII. CONSENT CALENDAR**

- A. Approval of Council Meeting Minutes
  - 1. Minutes of October 14, 2002, Regular Council Meeting  
(end Consent Calendar)

**Councilor Kuhn moved, it was seconded, and the Council voted unanimously to approve the Consent Calendar as published.**

**IX. ORDINANCES/RESOLUTIONS/FINAL ORDERS**

- A. Resolutions
  - 1. Resolution 02-R-709—A resolution approving Pelican Bay Telecommunications Corporation loan submittal

City Manager Blodgett stated that since the Port of Brookings-Harbor and the City are equal shareholders in the Pelican Bay Telecommunications Corporation both entities must approve a loan application that Pelican Bay Telecommunications Corporation wishes to submit to the Curry Economic Development Corporation. He added there is no obligation to the city if the corporation defaults on the loan. The Port approved an identical resolution at its last meeting. Councilor Kuhn asked if anyone had read the incorporation papers to see if there was any way the City could be linked back to the debt. Blodgett said the City had not signed in anyway that would make the City liable for debt or eligible for profit. At Kuhn's request the Councilors will receive copies of the corporation papers and City Attorney John Trew will review the document.

**Councilor Dentino moved, it was seconded, and the Councilors voted unanimously to approve Resolution No. 02-R-709, a resolution approving Pelican Bay Telecommunications Corporation loan submittal, with the stipulation that all Councilors receive and the City Attorney review the Corporation papers.**

**X. REMARKS FROM MAYOR AND COUNCILORS**

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

**XII. ADJOURNMENT**

With no further business before them the City Council adjourned at 7:32 p.m..

Respectfully submitted:

---

Bob Hagbom  
Mayor

ATTEST by City Recorder this \_\_\_\_ day of \_\_\_\_\_, 2002.

---

Paul Hughes  
Finance Director/City Recorder

PARKS AND RECREATION COMMISSION MEETING MINUTES

City of Brookings

898 Elk Drive, Brookings, Oregon

September 26, 2002 7:00 p.m.

**Call To Order**

Chair Boynton called the meeting to order with the pledge of allegiance led by Commissioner Parrish.

**Roll Call**

*Commissioners Present:* Nina Canfield, Dori Blodgett, Bill Boynton, Tony Parrish, and Pat Sherman.

*Commissioners absent:* Lorraine Williams, and Paul Prevenas.

*Councilor Liaison Present:* Councilor Frances Johns Kern.

*Staff Present:* Community Development Director Leo Lightle; Dennis Barlow, Supervisor of Public Works; Dave Lentz, Park Maintenance-Public Works, and Community Development Secretary Cathie Mahon.

**Minutes**

A motion was made, seconded and carried for approval of the August 22, 2002 minutes.

**Public Appearances**

Jeremy McVeety was recognized by the Commission for his assistance on special projects during the past year. The Commission wished him well on his future endeavors.

The commission was updated on the Azalea Park Snackshack project, by Don Tilton, past President of the Harbor-Brookings Rotary, and Buzz Hansen, design-engineer.

Don Tilton, explained when the *CB's* (construction battalion that does volunteer work for non-profit groups) reviewed the plans, they responded they are not experienced to do masonry for the concrete blocks. They went back to the drawing board and changed the plans to a frame building with *Hardi-plank* siding.

Buzz Hansen, explained the building will not have the cement block look we originally wanted, and the siding will have a textured look. He had a brochure to illustrate for the commission different textures for the siding. Discussion ensued regarding what kind of stone to use for the pillars: "cultured stones" or natural river stone. The river stone is less expensive than the "cultured stones" but requires more manpower.

Dennis Barlow, Public Works Supervisor, pointed out it (Hardi Plank) will be easier to repair, and remove graffiti.

Buzz stated hiring someone to do the masonry work would delay the project and increase the cost. The time-line was discussed. The rough-in plumbing and foundation can be done in a

couple weeks, followed by the roofing tiles. The concrete roof tiles will be tagged on a load from California, which will save on shipping costs and they will be stored on a secure city lot.

Mr. Tilton concluded, "there are a lot of people making sure this (project) gets done!"

Commissioner Dori Blodgett made a motion, it was seconded and carried, for the men to go ahead with their proposal. All commissioners voiced agreement with the motion.

Chair Boynton welcomed the following city personnel for attending the meeting and addressing the recent vandalism at Azalea Park.

Chris Wallace, Chief of Police, began by briefly discussing the building fire at Azalea Park. The department has a viable plan to concentrate on the recent vandalism incidents with Detective Palicki and Detective Plaster. They have been assigned to field phone calls, and follow-up on leads. There is currently no suspect but they are confident that someone will be apprehended.

Chief Wallace stated there are two issues: prevention and apprehension. A possible solution would be to place six to eight cameras within the park. The drawback is the financial issue to consider; they can cost as high as \$1000 and as low as \$40. Another issue was: would we get clarity from the film and would it be enough to identify a perpetrator. Discussion on that issue is being discussed with Jim Relaford, who provides computer services to the city.

Chief Wallace continued with his discussion describing three other solutions;

- Informational signs by the entrance with *Crime Stoppers* phone number and the message of a "cash reward" for information on occurrences of vandalism.
- Education at the schools-possibly get Police Officer Parker, school resource officer, involved at the schools.
- Investigate and research a road system in the park for a patrol.

Discussion ensued with Commissioner Dori Blodgett questioning if the *VIPS* could be involved in patrolling the park. Chief Wallace responded he would be very concerned about the safety for individuals trying to apprehend someone.

Chair Boynton thanked Chief Wallace for his suggestions and outstanding service. He stated he favored having signs at the park entrances, in addition to good surveillance.

Sherri Scott, President of the Azalea Park Foundation, entered into the discussion. She informed the commission, the gazebo has been painted several times this year. She emphasized that something must be done to curb the vandalism. Ms. Scott's suggestion was to have a warning on the signs, having the park close after dark, and if we see someone there, find out why, and possibly give them a "warning" at first. She added having "violators will be prosecuted to the fullest" might be a message to place on the signs.

Bill Sharp, Fire Chief, discussed aspects of the fire at one of the Azalea Park buildings, and some of the investigation avenues taken. He stated evidence shows it was intentionally started, that the door was not forced open, and there is not a suspect at this time. Chief Sharp concluded the investigation is continuing.

Chair Boynton thanked both Chief Wallace, and Fire Chief Sharp for appearing before the Commission.

## **Committee Reports Commissioner**

**Stout Park:** Tony Parrish reported lots of weeds and tall grass are in the lower area of the park. He will use his weed eater and spread some grass seed. He added since school started there has been more trash and debris around the park.

**Kidtown:** Commission Dori Blodgett had nothing to report.

**Skate Park:** Dave Lentz, Park Maintenance for Public Works, reported grass was planted around the Skate Park, then there was a hot spell. It has been re-seeded and signs to "keep off" have been posted.

**Softball/Soccer Fields:** No report.

**Volleyball Court-** Dennis Barlow, Public Works Supervisor, was asked by Commissioner Parrish what would it take to finish up the court. Supervisor Barlow responded that the project is 95% done, but numerous loads of sand (between 10 and 20) are needed. Discussion ensued. Commissioner Dori Blodgett recommended the issue be put on hold until springtime. All commissioners agreed to the suggestion.

### **Chetco Point Park:**

- Chair Boynton used a photograph to illustrate the current pathway along the side of the wastewater facility currently used to access the park. The property is being developed and the pathway is now included in that property. A new entrance on the opposite side of the wastewater facility is under consideration. It has been estimated to cost \$25,000 for the new expansion and fencing.
- Leo Lightle, Director of Community Development, entered the discussion. He explained the parking lot (along Wharf Street) would remain open. The area, to the other side of the treatment facility, where the new walkway is proposed, has an area outside the proposed fencing, which belongs to *South Coast Lumber*. They would have to be contacted if any of the expansion encroaches onto their property.
- Chair Boynton concluded stating recent discussions with both Mayor Hagbom and City Manager Blodgett have been very positive for the proposal.
- Both Commissioner Sherman and Commissioner Canfield discussed the morning glory problem at Chetco Park. Commissioner Sherman stated the wild morning glory is like the *bindweed*, but some morning glories are stunning. She added that work continues on identifying the plants at the park.

## **Liaison Reports**

**Azalea Park:** Sherri Scott reported they are anxious to clean out the debris in the shed from the fire but are waiting until the investigation is completed. A claim has been submitted to the insurance company. After that is finalized, the shed will be rebuilt.

Ms. Scott reported on the outstanding response from the community when they (the foundation) requested replacement of the tools lost in the fire. Rakes, shovels, etc., were given to the volunteers plus money. The money will go toward replacing the fountain bowl (destroyed recently).

Dennis Barlow, Public Works Supervisor, reported the trees were picked up by South Coast Lumber and sold. The stumps will be removed and hauled away.

**Commissioner comments:**

*Councilor Kern* suggested that the American and Brookings flags be displayed at the Skate Park, with a spotlight on them. Chair Boynton responded the idea is a good one, perhaps we should consider putting one on the *Snackshack* to deter vandals.

Commissioner Dori Blodgett reported:

- She attended the *BHYA* (Brookings-Harbor Youth Association) meeting.
- On a visit to the Skate Park in Newport. She observed none of the skaters had helmets, and no laws or rules were posted.
- Saturday, September 28<sup>th</sup> is the first Harvest Festival to be held at the Port from 10:00 a.m. until 4:00 p.m.

Commissioner Sherman reported the *Southbeach Clean-up* is scheduled for September 28<sup>th</sup>.

There being no further business, Commissioner Dori Blodgett moved to adjourn at 8:20 p.m.

Respectfully submitted,



Cathie Mahon  
Recording Secretary

Approved by the Parks and Recreation Commission  
October 24, 2002

**MINUTES  
BROOKINGS PLANNING COMMISSION  
REGULAR MEETING  
October 1, 2002**

Chair Randy Gorman called the regular meeting of the Brookings Planning Commission to order at 7:00 p.m. in the Council Chambers at Brookings City Hall on the above date with the following Commission members and staff in attendance.

Randy Gorman	Craig Mickelson	John Bishoff, Planning Director
Ted Freeman	Bruce Nishioka	Cathie Mahon, Secretary
Russ Fritz	Ernie Cofrances	

The Chair read a letter from Tom Davis resigning from the Commission.

**CHAIRPERSON ANNOUNCEMENTS**

None.

**MINUTES**

By a 6-0 vote, the Commission (motion: Commissioner Freeman, Commissioner Cofrances voted despite being absent for the September 3, 2002 meeting) approved the minutes of the September 3, 2002, regular meeting.

**THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON FINAL**

None

**THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON WRITTEN REQUESTS AND COMMUNICATIONS**

None.

**THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS**

1. By a 5-1 vote (motion: Commissioner Freeman; Commissioner Fritz voted against) the Planning Commission approved an application for a conditional use, File No. CUP-8-02, to place 8 duplex units establishing a 16 unit dwelling group; located west of Old County Road and south of Hassett Street; Map 41-13-05 CC, Tax Lot 808 and 809; R-2 (Two-family Residential) Zone; Peter Padilla, applicant; Lloyd Matlock, representative.

In addition to the general conditions (included in the packet) two additional conditions were placed on the motion:

- Placement of street lighting within the development
- "No Parking" signage on the twenty (20) foot easement

All Commissioners present declared ex parte due to a site visit. There was no challenge

from the audience as to the jurisdiction of the Commission to hear the request.

The action was taken following questions and comments regarding the request from the following:

Lloyd Matlock	P. O. Box 8026	Brookings, OR 97415
John Whittier	P. O. Box 303	Brookings, OR 97415
Sharron Merwin	614 Ransom Street	Brookings, OR 97415
(representative for her mother-Bea Batten, 812 Pioneer Brookings, OR 97415)		
Julie Derr	508 Hassett	Brookings, OR 97415

The applicants waived their right to seven (7) additional days in which to submit written argument.

2. By a 5-1 vote (motion: Commissioner Freeman, Commissioner Fritz voting against) the Planning Commission approved the Final ORDER and Findings of Fact for File No. CUP-08-02.
3. By a 6-0 vote (motion: Commissioner Fritz), the Planning Commission will send a favorable recommendation to City Council regarding File No. ANX 4-02, a request to annex an 11.50 acre parcel of land consisting of four tax lots into the city and rezone the property to the city's R-1-6 (Single-family Residential). The annexation also includes approximately 1.87 acres of the Parkview Drive right-of-way, which makes the connection to the existing city limits.

All commissioners present declared ex parte due to a site visit. There was no challenge from the audience as to the jurisdiction of the Commission to hear this request.

The action was taken following questions and comments regarding the request from the following:

Jim Capp	P. O. Box 2937	Harbor, OR 97415
Rex Atwell	P. O. Box 6364	Brookings, OR 97415
Susan Wimberley	P. O. Box 239	Brookings, OR. 97415
Milt Gowman	96903 Gowman Lane	Brookings, OR 97415
Kurt Kessler	P. O. Box 6335	Brookings, OR 97415
Al & Karen Koepnick	17096 Parkview Dr.	Brookings, OR 97415

(letter from the Koepnick's was read into the record)

A recess was declared at 9:55 with the meeting reconvening at 10:05 p.m. with 5 members present.

4. By a 3-2 vote (motion: Commissioner Fritz; voting for: Commissioners Mickelson, Fritz and Freeman; voting against: Commissioners Cofrances and Gorman ) the Planning Commission approved File No. SUB-03-02/MC-1, an application for a subdivision to divide a 1.99 acre parcel into 10-lots and including a new cul-de-sac street, located on the north side of Hassett Street and Old County Road; Assessor's Map 40-13-32-CC, Tax lot 1104 and a portion of 1102; Bruce Brothers Inc., applicants.

Before the public hearing began Commissioner Nishioka declared bias and left the bench and the meeting room. Commissioner Freeman stated he will be providing materials for this project but did not consider that a bias with the case. All remaining Commissioners present declared ex parte contact due to the site visit. There was no challenge from the audience as to the jurisdiction of the Commission to hear this request.

The action was taken following questions and comments regarding the request from the following:

Noah Bruce	P. O. Box 61	Brookings, OR 97415
James Frerichs	510 Hassett Street	Brookings, OR 97415
Gail Anderson	510 Hassett Street	Brookings, OR 97415
Julie Derr	508 Hassett Street	Brookings, OR 97415

The applicants waived their right to seven (7) additional days in which to submit written argument.

5. The Planning Commission did not approve the Final ORDER and Findings of Fact for File No. SUB 03-02/MC-1 due to confusion about a quorum vote.

#### **THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON COUNTY REFERRALS**

None.

#### **UNSCHEDULED PUBLIC APPEARANCES**

None.

#### **COMMISSIONERS COMMENTS:**

Chair Gorman asked Director Bischoff the status of the childcare facility. He also asked about the DIA's on Weaver Lane.

Planning Director Bischoff responded he contacted Anne Marie Brouillette; that nothing has been done to comply with the conditions placed on File No.CUP 4-02; and he will write a letter with stronger direction for them to comply. On the DIA's, he said he will continue trying to expedite action on them.

#### **REPORT OF THE PLANNING DIRECTOR**

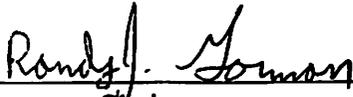
Planning Director Bischoff discussed several items:

- Elections for Chair and Vice-Chair are scheduled for December.
- Advised the Commission the *annual report* will be due at the end of the year.
- An ad has been placed in the newspaper to fill the position by Tom Davis's resignation.

#### **ADJOURNMENT**

With no further business before the Planning Commission, the meeting adjourned at 11:45 p.m.

Respectfully submitted,  
**BROOKINGS PLANNING COMMISSION**



\_\_\_\_\_  
Randy J. Gorman, Chair

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
10/02	10/07/2002	44637	897	A-1 Fire Protection	10-00-2005	374.00
10/02	10/07/2002	44638	1550	Academic & Scientific Supply	10-00-2005	45.22
10/02	10/07/2002	44639	167	American Sigma	10-00-2005	118.72
10/02	10/07/2002	44640	146	Bay West Supply, Inc	10-00-2005	526.12
10/02	10/07/2002	44641	138	Becco, Inc	10-00-2005	57.90
10/02	10/07/2002	44642	148	B-H Chamber of Commerce	10-00-2005	6,301.58
10/02	10/07/2002	44643	110	Brookings Auto Parts	10-00-2005	244.03
10/02	10/07/2002	44644	313	Brookings Vol Firefighters	10-00-2005	2,083.33
10/02	10/07/2002	44645	1955	Bryan Sherbourne	10-00-2005	43.26
10/02	10/07/2002	44646	1429	Carl Suhr	10-00-2005	43.37
10/02	10/07/2002	44647	1638	Cassette House	10-00-2005	116.09
10/02	10/07/2002	44648	370	CCIS	10-00-2005	9,072.73
10/02	10/07/2002	44649	178	Chetco Pharmacy & Gift	10-00-2005	45.83
10/02	10/07/2002	44650	820	CMI Business Systems	10-00-2005	313.60
10/02	10/07/2002	44651	182	Coos-Curry Electric	10-00-2005	13,614.75
10/02	10/07/2002	44652	1801	Cop Shop Etc	10-00-2005	856.75
10/02	10/07/2002	44653	497	Curry County Computer Services	10-00-2005	50.00
10/02	10/07/2002	44654	117	Dan's Photo & Cameras	10-00-2005	32.00
10/02	10/07/2002	44655	1978	Darwin & Barbara Sharp	10-00-2005	7.40
10/02	10/07/2002	44656	284	Day-Wireless Systems	10-00-2005	157.05
10/02	10/07/2002	44657	185	Del Cur Supply	10-00-2005	52.50
10/02	10/07/2002	44658	1954	Digital Products Company	10-00-2005	247.00
10/02	10/07/2002	44659	1039	Direct Safety Company	10-00-2005	132.40
10/02	10/07/2002	44660	316	Donald & Roberta Chandler	10-00-2005	548.00
10/02	10/07/2002	44661	1966	Emmett C Hann	10-00-2005	22.71
10/02	10/07/2002	44662	153	Ferrellgas	10-00-2005	1,544.96
10/02	10/07/2002	44663	105	First Impressions	10-00-2005	519.54
10/02	10/07/2002	44664	343	FNW Queen Pump	10-00-2005	18.29
10/02	10/07/2002	44665	139	Harbor Logging Supply	10-00-2005	134.85
10/02	10/07/2002	44666	186	Hennick's Hardware	10-00-2005	256.55
10/02	10/07/2002	44667	131	HGE, Inc	10-00-2005	910.00
10/02	10/07/2002	44668	1981	Jo Anne Cowell	10-00-2005	32.90
10/02	10/07/2002	44669	438	John Bishop	10-00-2005	120.00
10/02	10/07/2002	44670		Information Only Check	10-00-2005	.00 V
10/02	10/07/2002	44671		Information Only Check	10-00-2005	.00 V
10/02	10/07/2002	44672		Information Only Check	10-00-2005	.00 V
10/02	10/07/2002	44673		Information Only Check	10-00-2005	.00 V
10/02	10/07/2002	44674	162	Kerr Hardware	10-00-2005	457.23
10/02	10/07/2002	44675	137	LauraLee Gray	10-00-2005	76.80
10/02	10/07/2002	44676	1015	Leroy Blodgett	10-00-2005	240.90
10/02	10/07/2002	44677	763	Mark Hargrove	10-00-2005	12.97
10/02	10/07/2002	44678	1890	Marvin Parker	10-00-2005	63.00
10/02	10/07/2002	44679	155	Mory's	10-00-2005	92.05
10/02	10/07/2002	44680	1968	ODOT DMV Services	10-00-2005	9.00
10/02	10/07/2002	44681	144	OR Teamster Employers Trust	10-00-2005	8,309.40
10/02	10/07/2002	44682	189	OR Teamster Employers Trust	10-00-2005	17,172.76
10/02	10/07/2002	44683	401	Oregon State Police	10-00-2005	75.00
10/02	10/07/2002	44684	1982	Orville Kuhn	10-00-2005	39.89
10/02	10/07/2002	44685	252	Paramount Pest Control	10-00-2005	35.00
10/02	10/07/2002	44686	1980	Paul & Joannette Brackett	10-00-2005	3.99
10/02	10/07/2002	44687	888	Paul's Floor Maintenance	10-00-2005	647.60
10/02	10/07/2002	44688	1700	Phil's Auto Recycling	10-00-2005	35.00
10/02	10/07/2002	44689	133	Planners Training Team	10-00-2005	2,954.24
10/02	10/07/2002	44690	322	Postmaster	10-00-2005	586.00
10/02	10/07/2002	44691		Information Only Check	10-00-2005	.00 V
10/02	10/07/2002	44692	1193	PRN Data Services, Inc	10-00-2005	2,900.00
10/02	10/07/2002	44693	199	Richard Harper	10-00-2005	300.00

M = Manual Check, V = Void Check

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
10/02	10/07/2002	44694	169	Roto Rooter	10-00-2005	142.70
10/02	10/07/2002	44695	435	SOC - ICBO, c/o Chris Reising	10-00-2005	110.00
10/02	10/07/2002	44696	213	Teamsters Local Union 223	10-00-2005	665.00
10/02	10/07/2002	44697	1967	Texas America Safety	10-00-2005	104.20
10/02	10/07/2002	44698	821	Toshiba America Info Systems	10-00-2005	310.00
10/02	10/07/2002	44699	1979	Tracy Storm	10-00-2005	15.00
10/02	10/07/2002	44700	1941	U.S. Cellular	10-00-2005	140.51
10/02	10/07/2002	44701		Information Only Check	10-00-2005	.00 V
10/02	10/07/2002	44702	136	United Pipe & Supply Co Inc	10-00-2005	1,464.07
10/02	10/07/2002	44703	1983	Vantage Construction	10-00-2005	1,670.00
10/02	10/07/2002	44704	157	Viking Office Products	10-00-2005	414.27
10/02	10/07/2002	44705	1711	Williams	10-00-2005	45.00
10/02	10/07/2002	44706	269	WW Grainger	10-00-2005	218.98
10/02	10/21/2002	44707	897	A-1 Fire Protection	10-00-2005	35.00
10/02	10/21/2002	44708	1881	AFLAC	10-00-2005	423.20
10/02	10/21/2002	44709	1985	American Water Works Assn	10-00-2005	185.00
10/02	10/21/2002	44710	100	Anchor Lock & Key	10-00-2005	40.00
10/02	10/21/2002	44711	150	Any Time Coffee Service	10-00-2005	43.50
10/02	10/21/2002	44712	303	Associated Bag Company	10-00-2005	247.42
10/02	10/21/2002	44713		Information Only Check	10-00-2005	.00 V
10/02	10/21/2002	44714	190	Bankcard Center	10-00-2005	854.77
10/02	10/21/2002	44715	687	Ben-Ko-Matic Brush Company	10-00-2005	45.36
10/02	10/21/2002	44716	977	Best Western Brookings Inn	10-00-2005	489.64
10/02	10/21/2002	44717	147	Brookings Glass Inc	10-00-2005	100.00
10/02	10/21/2002	44718	710	Building Codes Division	10-00-2005	991.76
10/02	10/21/2002	44719	1986	Bureau of Labor & Industries	10-00-2005	13.41
10/02	10/21/2002	44720	989	California Contractors Supply	10-00-2005	99.80
10/02	10/21/2002	44721	1991	Cal-Ore Life Flight	10-00-2005	100.00
10/02	10/21/2002	44722	149	Carpenter Auto Center	10-00-2005	1,269.73
10/02	10/21/2002	44723	1373	Cascade Fire Equipment	10-00-2005	146.30
10/02	10/21/2002	44724	1840	Chetco Federal Credit Union	10-00-2005	3,204.01
10/02	10/21/2002	44725		Information Only Check	10-00-2005	.00 V
10/02	10/21/2002	44726	183	Colvin Oil Company	10-00-2005	1,898.97
10/02	10/21/2002	44727	151	Curry Coastal Pilot	10-00-2005	412.35
10/02	10/21/2002	44728	173	Curry Equipment Company	10-00-2005	124.63
10/02	10/21/2002	44729	195	Curry Transfer & Recycling	10-00-2005	544.29
10/02	10/21/2002	44730		Information Only Check	10-00-2005	.00 V
10/02	10/21/2002	44731		Information Only Check	10-00-2005	.00 V
10/02	10/21/2002	44732		Information Only Check	10-00-2005	.00 V
10/02	10/21/2002	44733	166	Dan's Auto & Marine Electric	10-00-2005	651.77
10/02	10/21/2002	44734	259	Da-Tone Rock Products	10-00-2005	197.60
10/02	10/21/2002	44735	198	DHR Child Support Unit	10-00-2005	203.08
10/02	10/21/2002	44736	250	DHR Child Support Unit	10-00-2005	278.31
10/02	10/21/2002	44737	484	DMV	10-00-2005	6.50
10/02	10/21/2002	44738	1994	Easy Street Associates	10-00-2005	144.76
10/02	10/21/2002	44739	145	EBS Trust	10-00-2005	53.00
10/02	10/21/2002	44740	1786	Energy Sales	10-00-2005	278.31
10/02	10/21/2002	44741	105	First Impressions	10-00-2005	251.32
10/02	10/21/2002	44742	754	First Response	10-00-2005	175.00
10/02	10/21/2002	44743	298	Freeman Rock Enterprises, Inc	10-00-2005	104,041.29
10/02	10/21/2002	44744	272	Glock, Inc	10-00-2005	926.80
10/02	10/21/2002	44745	198	Grants Pass Water Lab	10-00-2005	171.00
10/02	10/21/2002	44746	1992	Gregg Elrod	10-00-2005	41.94
10/02	10/21/2002	44747	1189	Haley Farms Nursery	10-00-2005	462.50
10/02	10/21/2002	44748	1997	Heather Smith	10-00-2005	29.88
10/02	10/21/2002	44749	1082	Hilary Thompson	10-00-2005	40.15
10/02	10/21/2002	44750	1995	James R & Barbara L Walker	10-00-2005	10.85

M = Manual Check, V = Void Check

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
10/02	10/21/2002	44751	1999	Jeremy Marks	10-00-2005	7.16
10/02	10/21/2002	44752	1988	Jim Wheatley	10-00-2005	31.79
10/02	10/21/2002	44753	1996	Joan M Ingram	10-00-2005	12.79
10/02	10/21/2002	44754	1998	John & Rita Dulisse	10-00-2005	7.54
10/02	10/21/2002	44755	1038	Julie Watson	10-00-2005	180.00
10/02	10/21/2002	44756	121	Lane County RIS	10-00-2005	5,129.00
10/02	10/21/2002	44757	245	Larry Anderson	10-00-2005	22.59
10/02	10/21/2002	44758	271	Larry Curry	10-00-2005	45.99
10/02	10/21/2002	44759	1993	Lea Construction, Inc	10-00-2005	40.31
10/02	10/21/2002	44760	448	Leo Lightle	10-00-2005	78.80
10/02	10/21/2002	44761	328	Les Schwab Tire Company	10-00-2005	1,007.65
10/02	10/21/2002	44762	1987	Manley Building	10-00-2005	5.00
10/02	10/21/2002	44763	424	Munnel & Sherrill	10-00-2005	251.90
10/02	10/21/2002	44764	1844	My-Comm, Inc	10-00-2005	828.20
10/02	10/21/2002	44765	911	Nancy Corrigan	10-00-2005	22.96
10/02	10/21/2002	44766	1960	National Fire Fighter Corp	10-00-2005	776.50
10/02	10/21/2002	44767	266	Northern Tool & Equipment Co	10-00-2005	152.03
10/02	10/21/2002	44768	910	OR Department of Justice	10-00-2005	115.38
10/02	10/21/2002	44769	1132	OR Department of Justice	10-00-2005	469.94
10/02	10/21/2002	44770	1464	OR Department of Justice	10-00-2005	266.77
10/02	10/21/2002	44771	1742	OR Department of Justice	10-00-2005	119.40
10/02	10/21/2002	44772	428	Pacific Engine Repair	10-00-2005	675.00
10/02	10/21/2002	44773	852	PaperDirect	10-00-2005	80.91
10/02	10/21/2002	44774	205	PERS Retirement	10-00-2005	11,531.19
10/02	10/21/2002	44775	357	Peter Burdess	10-00-2005	22.64
10/02	10/21/2002	44776	1019	Phone Supplements, Inc	10-00-2005	57.90
10/02	10/21/2002	44777	1193	PRN Data Services, Inc	10-00-2005	1,199.50
10/02	10/21/2002	44778	1029	Purchase Power	10-00-2005	35.00
10/02	10/21/2002	44779	187	Quality Fast Lube & Oil	10-00-2005	27.00
10/02	10/21/2002	44780	181	Ramcell of Oregon	10-00-2005	73.19
10/02	10/21/2002	44781	180	Ray's Food Place	10-00-2005	42.17
10/02	10/21/2002	44782	1989	Red Lion Medford	10-00-2005	63.72
10/02	10/21/2002	44783	647	SCINT	10-00-2005	90.00
10/02	10/21/2002	44784	380	Stadelman Electric	10-00-2005	2,326.64
10/02	10/21/2002	44785	142	Tidewater Contractors Inc	10-00-2005	174.65
10/02	10/21/2002	44786	797	Town & Country Animal Hospital	10-00-2005	107.25
10/02	10/21/2002	44787	179	Trew, Cyphers & Meynink	10-00-2005	1,750.50
10/02	10/21/2002	44788	696	Trojan Technologies	10-00-2005	4,015.90
10/02	10/21/2002	44789	161	United Communications Inc	10-00-2005	417.10
10/02	10/21/2002	44790	990	United Parcel Service	10-00-2005	10.80
10/02	10/21/2002	44791	136	United Pipe & Supply Co Inc	10-00-2005	113.40
10/02	10/21/2002	44792	991	Verizon Northwest	10-00-2005	1,672.45
10/02	10/21/2002	44793	1483	Wall & Wall, P.C., CPA's	10-00-2005	9,000.00
10/02	10/21/2002	44794	670	Western Equipment Distributors	10-00-2005	353.14
10/02	10/21/2002	44795	1567	Westlog, Inc	10-00-2005	406.10
10/02	10/21/2002	44796	253	Xerox Corporation	10-00-2005	479.97
10/02	10/24/2002	44797	167	American Sigma	10-00-2005	275.60
10/02	10/24/2002	44798	490	Ameson Motor & Machines	10-00-2005	32.00
10/02	10/24/2002	44799	138	Becco, Inc	10-00-2005	60.00
10/02	10/24/2002	44800	192	Brown & Caldwell	10-00-2005	1,062.46
10/02	10/24/2002	44801	2001	Capitol Gift Shop	10-00-2005	19.00
10/02	10/24/2002	44802	1745	Coastal Paper & Supply, Inc	10-00-2005	105.60
10/02	10/24/2002	44803	183	Colvin Oil Company	10-00-2005	1,222.95
10/02	10/24/2002	44804	182	Coos-Curry Electric	10-00-2005	3,535.80
10/02	10/24/2002	44805	1801	Cop Shop Etc	10-00-2005	50.00
10/02	10/24/2002	44806	863	Daniel Barnard	10-00-2005	114.84
10/02	10/24/2002	44807	284	Day-Wireless Systems	10-00-2005	177.00

M = Manual Check, V = Void Check

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
10/02	10/24/2002	44808	937	Dennis Tippetts	10-00-2005	45.00
10/02	10/24/2002	44809	196	DHR Child Support Unit	10-00-2005	203.08
10/02	10/24/2002	44810	250	DHR Child Support Unit	10-00-2005	278.31
10/02	10/24/2002	44811	872	Donald & Leslie Irwin	10-00-2005	31.24
10/02	10/24/2002	44812	2006	Donald L Jackson	10-00-2005	14.45
10/02	10/24/2002	44813	409	Emblem Enterprises	10-00-2005	770.34
10/02	10/24/2002	44814	754	First Response	10-00-2005	224.74
10/02	10/24/2002	44815	343	FNW Queen Pump	10-00-2005	27.81
10/02	10/24/2002	44816	113	Fred Meyer	10-00-2005	118.80
10/02	10/24/2002	44817	405	Greg Shinn	10-00-2005	8.60
10/02	10/24/2002	44818	131	HGE, Inc	10-00-2005	353.63
10/02	10/24/2002	44819	2005	Jennifer Donnelly	10-00-2005	29.15
10/02	10/24/2002	44820	2004	Judy Kennedy	10-00-2005	29.95
10/02	10/24/2002	44821	1414	Kaman Industrial Technologies	10-00-2005	59.15
10/02	10/24/2002	44822	247	Mike Mahar	10-00-2005	5.00
10/02	10/24/2002	44823	2002	Millennium Commercial Const	10-00-2005	1,320.00
10/02	10/24/2002	44824	1063	Nat'l Hose Testing Specialties	10-00-2005	2,397.14
10/02	10/24/2002	44825	573	OBOA	10-00-2005	271.03
10/02	10/24/2002	44826	279	One Call Concepts, Inc	10-00-2005	31.50
10/02	10/24/2002	44827	910	OR Department of Justice	10-00-2005	115.38
10/02	10/24/2002	44828	1132	OR Department of Justice	10-00-2005	469.94
10/02	10/24/2002	44829	1464	OR Department of Justice	10-00-2005	266.77
10/02	10/24/2002	44830	1742	OR Department of Justice	10-00-2005	119.40
10/02	10/24/2002	44831	695	P & S Construction	10-00-2005	1,215.00
10/02	10/24/2002	44832	888	Paul's Floor Maintenance	10-00-2005	800.00
10/02	10/24/2002	44833	205	PERS Retirement	10-00-2005	10,973.09
10/02	10/24/2002	44834	187	Quality Fast Lube & Oil	10-00-2005	28.50
10/02	10/24/2002	44835	2003	Ray & Evelyn Todd	10-00-2005	8.89
10/02	10/24/2002	44836	169	Roto Rooter	10-00-2005	474.42
10/02	10/24/2002	44837	517	Santiam Emergency Equipment	10-00-2005	110.95
10/02	10/24/2002	44838	134	Stuntzner Engineering	10-00-2005	69.00
10/02	10/24/2002	44839	142	Tidewater Contractors Inc	10-00-2005	111.72
10/02	10/24/2002	44840	696	Trojan Technologies	10-00-2005	4,015.06
10/02	10/24/2002	44841	136	United Pipe & Supply Co Inc	10-00-2005	2,933.78
10/02	10/24/2002	44842	268	US Filter Company	10-00-2005	681.84
10/02	10/24/2002	44843	108	VWR Scientific	10-00-2005	151.87
10/02	10/24/2002	44844	269	WW Grainger	10-00-2005	647.63
10/02	10/24/2002	44845	253	Xerox Corporation	10-00-2005	164.82

Totals:

277,717.22

**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 an 11.50 acre )  
parcel of land and 1.87 acres of the )  
Parkview Dr. including a small portion of )  
Airport Rd. rights-of-way between the )  
existing city limits and the subject property )  
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-554*

**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 existing 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).**

**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 via the segment of Parkview Dr. between the existing city limits which will also be annexed and the subject property, be, and the same hereby is annexed to the City of Brookings.

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

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

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

**Section 5. Rezoning.** Concurrent with the annexation, the property described in Exhibit "A" and depicted on map Exhibit "B" attached hereto is hereby rezoned from the R-2 (Residential Two) 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 \_\_\_\_\_, 2002**

**ATTEST:**

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**Bob Hagbom,  
Mayor**

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**Paul Hughes,  
Finance Director/Recorder**

# EXHIBIT A

## MAHAR / SMART PROPOSED ANNEXATION TO CITY OF BROOKINGS

A parcel of land lying within the Northwest Quarter (NW1/4) of Section 31, Township 40 South, Range 13 West, Willamette Meridian, Curry County, Oregon, being more particularly described as follows:

Beginning at a point North  $28^{\circ}19'52''$  West 1976.63 feet from the Easterly Center Quarter of said Section 31;

thence South  $00^{\circ}05'34''$  West 527.22 feet;

thence North  $89^{\circ}54'26''$  West 100.00 feet;

thence South  $00^{\circ}05'34''$  West 136.54 feet to the north right of way of Airport Road;

thence along said right of way, South  $89^{\circ}57'08''$  West 159.69 feet;

thence leaving said right of way, North  $00^{\circ}25'08''$  East 146.11 feet;

thence North  $89^{\circ}42'12''$  West 170.48 feet;

thence  $00^{\circ}59'16''$  East 15.06 feet;

thence North  $89^{\circ}47'52''$  West 138.60 feet;

thence South  $00^{\circ}06'02''$  East 162.82 feet to north right of way of Airport Road;

thence along said right of way, North  $89^{\circ}56'49''$  West 183.92 feet;

thence continuing along said right of way, South  $89^{\circ}32'59''$  West 78.63 feet; South  $00^{\circ}27'30''$

East 7.20 feet and South  $89^{\circ}57'08''$  West 81.39 feet;

thence leaving said right of way, North  $00^{\circ}39'31''$  West 260.14 feet;

thence North  $89^{\circ}47'36''$  East 36.37 feet;

thence North 39.49 feet;

thence North  $12^{\circ}09'00''$  East 385.57 feet;

thence South  $89^{\circ}45'04''$  East 384.10 feet;

thence South  $89^{\circ}26'49''$  East 97.57 feet;

thence South  $89^{\circ}34'34''$  East 315.92 feet to the Point of Beginning.

Said parcel containing 11.91 acres.

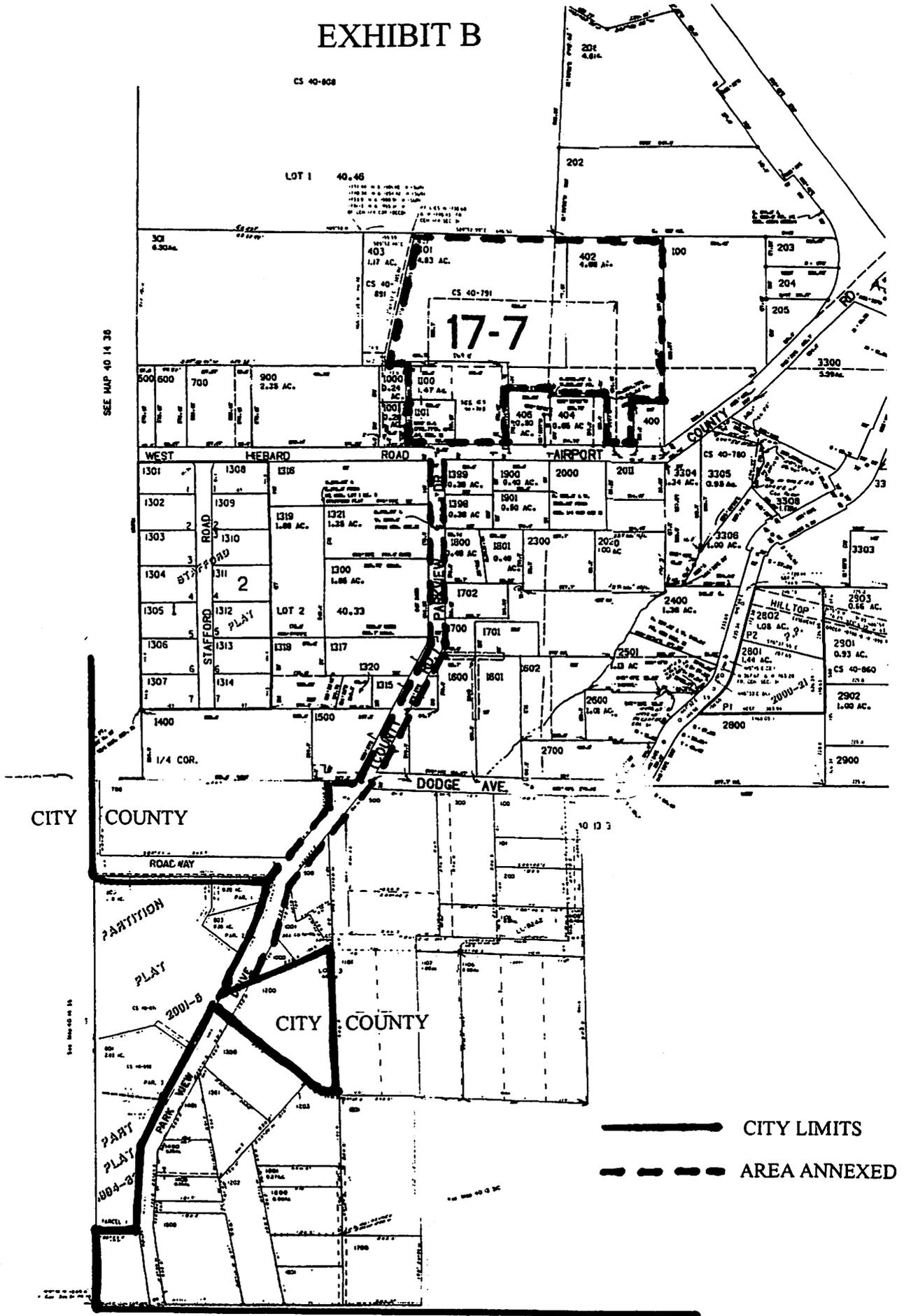
## TOGETHER WITH A PORTION OF PARKVIEW DR. AS DESCRIBED BELOW

A PORTION OF PARKVIEW DR. LYING WITHIN SECTION 31, TOWNSHIP 40 SOUTH, RANGE 13 WEST, WILLAMETTE MERIDIAN, CURRY COUNTY, OREGON. THE CENTERLINE BEING DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY OF AIRPORT ROAD AND THE SOUTH BOUNDARY OF THE SMART TRACT (TAX LOT 1101) SAID POINT BEING DESCRIBED AS BEING NORTH 1073.58 FEET, AND WEST 1743.83 FEET FROM THE EASTERLY C  $\frac{1}{4}$  OF SECTION 31 (See P.O.B. point "A", exhibit "A-1"), THENCE BEING 25 FEET ON EACH SIDE OF THE FOLLOWING LINE AND RUNNING SOUTH, 620.00 FEET, SOUTH  $28^{\circ}27'$  WEST, 470 FEET, SOUTH  $33^{\circ}35'$  WEST; THENCE BEING 20 FEET ON EACH SIDE OF THE FOLLOWIN LINE, RUNNING SOUTH  $14^{\circ}35'$  WEST, 155 FEET; THENCE IN A VARIABLE WIDTH SOUTH  $29^{\circ}21'$  WEST, 115 FEET TO A POINT 25 FEET NORTH  $60^{\circ}39'$  WEST FROM THE NORTHWEST CORNER OF TAX LOT 1200, MAP 40-13-31-CB, BEING THE ZIA TRACT (point "B", exhibit "A-1").



# EXHIBIT B



# CITY OF BROOKINGS

Where the Flowers meet the Sea



## STAFF REPORT

Date: November 20, 2002  
To: Mayor Hagbom & City Councilors  
From: Leroy Blodgett, City Manager

Subject: Electric Franchise Agreement

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## BACKGROUND

The current 20-year franchise agreement with Coos Curry Electric Cooperative is due to expire on December 16, 2002. The franchise allows Coos Curry Electric to use city right-of-ways for installation, operation and maintenance of the electric power service transmission and distribution system.

In lieu of payment for the use of City owned right-of-ways, the franchise requires Coos Curry Electric to provide a certain number of street lights without charge to the City. The 1982 agreement required Coos Curry Electric to furnish 166 street lights plus an additional light for each 30 persons over the then population of 3,490. The proposed franchise will require Coos Curry Electric to provide 266 (this is the total now in the City) street lights without charge plus an additional light for each 21 persons over 5,680 persons ( $5680/21 = 270.5$ ). The City will immediately realize a financial benefit of an additional \$1,103 per month with approval of the new franchise.

Below is a brief comparison of the current and proposed franchise agreements:

	<u>Current Franchise</u>	<u>Proposed Franchise</u>
Population Base	3,490	5,680
Persons per light without charge	30	21
Lights without charge	189	266
Lights with charge	77	0
Cost to City	\$1,103.52/month	\$0
Total benefit to City	\$2,744.28/month	\$3,847.80/month

## STAFF RECOMMENDATION

Approve Ordinance # 02-O-555

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

In the matter of an Ordinance granting a 20-year )  
franchise to Coos-Curry Electric Cooperative, )  
Inc., for the operation of an electric power )  
transmission distribution system within the City )  
of Brookings; prescribing the terms, conditions )       **ORDINANCE No. 02-O-555**  
and manner of the acceptance of such franchise; )  
repealing ordinance no. 82-O-368. )

Sections:

- Section 1.            Repeal of Ordinance No. 82-O-368.
- Section 2.            Grant of 20-year franchise to Coos-Curry Electric Cooperative, Inc.
- Section 3.            Terms and conditions of franchise.
- Section 4.            Cooperative to furnish street lights without charge.
- Section 5.            Location of equipment.
- Section 6.            Repairs to be responsibility of Cooperative.
- Section 7.            City to be held harmless.
- Section 8.            Cooperative to abide by ordinances and Oregon State Statutes.
- Section 9.            City to retain all rights and remedies.
- Section 10.           Franchise to be exclusive.
- Section 11.           Acceptance of franchise.
- Section 12.           Terms of renegotiation of franchise.

The City of Brookings ordains as follows:

Section 1.        Repeal of Ordinance No. 82-O-368. Ordinance No. 82-O-368 of the City of Brookings (hereinafter referred to as "City") is hereby repealed; said repeal effective on the date of this ordinance's passage. The respective claims of the City of Brookings and Coos-Curry Electric Cooperative, Inc. (hereinafter referred to as "Cooperative"), under said Ordinance No. 82-O-368 shall be settled between said parties as of the date that the Cooperative shall have accepted the franchise herein provided in this ordinance, said acceptance being in written form provided the City by a duly authorized resolution of the Cooperative's governing board.

Section 2.        Grant of 20-year franchise to Coos-Curry Electric Cooperative, Inc. There is hereby granted unto the Cooperative, a cooperative corporation organized under the laws of the state of Oregon, upon the terms and conditions hereinafter set forth, the right, privilege and franchise of installing, owning, operating, and maintaining an electric power service transmission and distribution system by means of poles, conduits, wires, cables, and other equipment or appliances in, upon, over, under and along the streets, alleys or other public places within the corporate limits of the City of Brookings for a period of 20 years from the date of the enactment of this ordinance.

**Section 3. Terms and conditions of franchise.** During the period of this franchise the City shall not levy upon or exact from the Cooperative any license fee, franchise or privilege tax, or other charges, the consideration stated hereinbelow being in lieu of all such taxes, license fees or charges.

**Section 4. Cooperative to furnish street lights without charge.** In consideration of the granting of said franchise, the Cooperative shall furnish the City, without charge, 266 street lights with wattage not to exceed 200 watts, including installation, maintenance, replacement of bulbs, and electric energy for operation of same. It is understood that more than this number of street lights may now be in operation within the City; and the remaining lights and all additional lights installed hereafter in excess of 266 shall be upon the customary contractual basis; provided however, that the said 266 lights are furnished based on a theoretical population of the City of 5,680 persons, then and at that a time, the Cooperative shall furnish one additional light as the City may designate for each increase of 21 persons over said theoretical population of 5,680 persons.

**Section 5. Location of equipment.** The Cooperative shall advise the City Engineer and City Manager of the City of the proposed location of any new, substitute or replacement poles, conduits, wires, cables or other equipment not less than five days prior to commencement of work thereon or installation or relocation pertinent thereto; and further, the city engineer or city manager may require reasonable changes in proposed locations for the purpose of protecting public health, safety, welfare and traffic.

**Section 6. Repairs to be responsibility of Cooperative.** All openings or breaks in public street, thoroughfares, alleys or the like shall be made and repaired promptly at the sole expense of the Cooperative and shall be lighted and barricaded for the protection of the public.

**Section 7. City to be held harmless.** The Cooperative shall, and by its acceptance hereof does, expressly assure all risk of operation of its system within the City therefrom, including, but not limited to, all damages which may be awarded against it in favor of any person or persons, firm or corporation resulting from any act or thing done or omitted to be done by the Cooperative by virtue of the authority herein granted or said corporation's business operations.

**Section 8. Cooperative to abide by ordinances and Oregon State Statutes.** The Cooperative, its employees or agents shall abide by the ordinances of the City herewith now in existence or hereinabove enacted as equally and to the same extent as any private citizen or public concern, excepting only for the rights and privileges granted said Cooperative hereunder; and further, the Cooperative shall not violate any applicable provisions of the Oregon Antitrust Law codified in ORS 646.705 to 646.836 nor shall the granting of this franchise be in any way construed as in violation thereof; and further, the Cooperative shall not infringe, violate or engage in any activity prohibited by the Oregon Unlawful Trade Practices Act as defined in ORS 646.605 to 646.652, this franchise being subject to the sanctions contained within such statutory provisions including, but not limited to, ORS 646.646.

This franchise is subject to said above-stated terms and statutory provisions; and further, should any part hereof contravene such terms or provisions, then any provision herein contained contrary thereto shall be deemed null and void.

**Section 9. City to retain all rights and remedies.** Except for the franchise right granted herein, the City shall retain all of its rights and remedies under ORS 221,420 to 221,470. The City shall retain its general municipal police powers and the exercise of such over the erection, installation, replacement and maintenance of poles, wires and similar apparatus of the Cooperative

in streets, alleys and public ways; and further, such police power shall extend to the designation of on what parts of streets there may be erected poles, lines, conduits or other apparatus, or in proper cases, to require relocation thereof, and compel all generally accepted improvements which tend to decrease the obstruction of the streets or increase the safety or convenience of the public in their use; and further, said power shall extend, although not limited to, the regulation of the use, location, height, and size of utility poles as part of the City's general planning and zoning process and power.

Section 10. Franchise to be exclusive. No franchise shall be granted unto any other person, firm or corporation to engage in a similar business within the City of Brookings during the term of this franchise, except upon payment of comparable consideration to the City of Brookings in money or services, unless otherwise permitted under the provisions hereof or mandated by any state or federal law, rule or regulation.

Section 11. Acceptance of franchise. The grant of franchise herein made shall be void and of no effect unless the Cooperative shall of itself accept and agree in writing to the terms and conditions of this ordinance, which acceptance shall be filed with the city recorder prior to 45 days after the passage of this ordinance.

Section 12. Terms of renegotiation of franchise. Either the City or the Cooperative, as the case may be, may submit a written request to the other for the purposes of renegotiating any or all portions of the franchise hereinunder granted.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Passage: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Bob Hagbom  
MAYOR

ATTEST:

\_\_\_\_\_  
Paul Hughes  
City Finance Director/Recorder

## **Staff Report**

**To: Mayor Hagbom and City Council**

**Through: Leroy Blodgett, City Manager**

**From: Paul Hughes, Finance Director**

**Re: Resolution accepting real and personal properties from the Frieda Longstreet trust**

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### **Background**

The City of Brookings was bequeathed certain stocks with an approximate value of \$217,000 and real property with an approximate value of \$108,000 from the estate of Frieda Longstreet. The stocks are in an Edward Jones Investment account managed by Don Sparlin of the Brookings office. The City needs to establish an account with Edward Jones to allow the transfer and sale of the stock.

### **Recommendation**

Approve Resolution 02-R-710 to authorize the Brookings City Council to accept the described property; authorize the Finance Director to establish an account with Edward Jones Investments for the purpose of receiving, managing, and/or selling certain stocks, with Mayor Hagbom, Council President Curry, City Manager Blodgett and Finance Director Hughes as signatories; authorize City Manager to commission Eldon Gossett, Real Estate Broker, to sell the real property.

**CATHLEEN B. HERBAGE  
ATTORNEY AT LAW**

29795 Ellensburg Avenue  
P.O. Box 691  
Gold Beach, Oregon 97444

Phone: (541) 247-7008  
Fax: (541) 247-7006

October 14, 2002

Mr. John B. Trew  
Attorney at Law  
P.O. Box 158  
Coquille, Oregon 97423-0158

RE: Frieda Longstreet Trust

Dear John:

This letter is in response to your request of September 4, 2002.

The City of Brookings was bequeathed all of the Brunswick Stock, Union Pacific Corporation stock, Union Pacific Corporation Resource stock( now Anadarko), 1 of 3 Seligmann accounts, the real property located at 317 N. Hazel Street, Brookings, Oregon and the remaining intangible personal property including cash, bonds, certificates of deposit and/or stocks not specifically bequeathed, after the payment of all debts and administrative expenses.

The City of Brookings needs to establish a transfer account with Edward Jones. Please contact Sheri Olson at 469-5325 for an appointment. Don Sparlin of Edward Jones in Brookings is handling the estate account. The office is located at 1045 Chetco Avenue. Once the Edward Jones accounts are established, the shares can be transferred to the city.

The Trustee is still working on odds and ends of personal property in the residence. Do you want the Trustees to sell the house or simply deed it to the city? If the city chooses to sell the real property, it was Frieda's wish that her long time friend,

Page 1 of 3 10/14/02

Eldon Gossett be the selling agent. Frieda instructed that the proceeds from the home sale would be " added to the Azalea Park Fund to be used to improve and maintain Azalea Park".

The remainder of the gift, except the Anadarko stock, is " to be used for any public purpose deemed appropriate by the city council, provided however, no funds shall be expended for improvements, projects, or developments outside the Brookings City limits". The Anadarko stock is to be used for a community improvement project.

I have attached copies of the Edward Jones statements showing the date of death value of the accounts and have typed a current value of the complete bequest.

Please contact me with any questions or concerns.

Sincerely,



Cathleen B. Herbage  
Attorney for Trustee

CBH/pw  
cc: file

**CURRENT APPROXIMATE VALUE OF EDWARD JONES ACCOUNT**  
as of 10/9/02

<u># OF SHARES</u>	<u>STOCK NAME</u>	<u>VALUE</u>
161	Anadarko Petroleum	\$ 7,360.00
7160	Brunswick Co.	\$139,161.00
420	Union Pacific	\$ 24,360.00
+/- 6,000	Seligman	\$46,222.00

Approximate value of real property located at  
317 N. Hazel Street, Brookings \$108,020.00

IN AND FOR THE CITY OF BROOKINGS  
STATE OF OREGON

In the Matter of a Resolution Accepting        )  
Real and Personal Properties from the        )        Resolution No.02-R-710  
Frieda Longstreet Trust                        )

WHEREAS, the Frieda Longstreet estate bequeathed to the City of Brookings real property located at 317 Hazel Street, Brookings, Oregon, stocks currently in an Edward Jones Investment Account and cash, bonds, certificates of deposit and/or stocks not specifically bequeathed; and

WHEREAS THE City of Brookings has agreed to accept the described real and personal property and/or the proceeds from the sale of both real and personal property.

NOW, THEREFORE, BE IT RESOLVED that the Brookings City Council hereby accept the real and personal property from the Frieda Longstreet Trust to be used for public purposes within the Brookings city limits; and

BE IT FURTHER RESOLVED that the Brookings City Council authorize the City Finance Director to establish an account with Edward Jones Investment for the purpose of receiving, managing and/or selling certain stocks bequeathed to the City; and

BE IT FURTHER RESOLVED that Mayor Bob Hagbom, City Council President Larry Curry, City Manager Leroy Blodgett and Finance Director Paul Hughes be authorized signatories on the Edward Jones Investment account; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to commission Eldon Gossett, Real Estate Broker, to sell the real property located at 317 Hazel Street Brookings, Oregon and pay over the proceeds to the City of Brookings; and

BE IT FURTHER RESOLVED that the City Manager is authorized to dispose of any remaining real or personal property in a manner most beneficial to the City of Brookings..

PASSED by the Brookings Common Council and signed by the Mayor this \_\_\_\_ day of November, 2002.

\_\_\_\_\_  
Bob Hagbom  
Mayor

ATTEST:

\_\_\_\_\_  
Paul Hughes  
Finance Director/City Recorder

**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-4-02; application for approval of an annexation, ) and Findings of  
Michael Mahar and Petty Smart, applicant ) Fact  
)**

**ORDER** approving an application for an annexation of a 11.5 acres consisting of four tax lots located adjacent to the north side of Airport Rd opposite the intersection of Parkview Dr. and including 1.87 acres of the Parkview Dr. and Airport Rd. rights-of-way, which make the connection to the City Limits; Assessor's Map 40-13-31B, Tax Lots 401, 402, 1100, and 1101.

**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 July 2, 2002; and
3. Recommendations were presented by the Planning Director in the form of a written Staff Agenda Report dated June 21, 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 August 12, 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 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 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 \_\_\_\_\_ day of \_\_\_\_\_ 2002.

\_\_\_\_\_  
Bob Hagbom, Mayor

ATTEST:

\_\_\_\_\_  
John C. Bischoff, Planning Director

# PROCLAMATION

## A PROCLAMATION IN APPRECIATION OF THE FIRE SUPPRESSION TEAMS ON THE "BISCUIT FIRE COMPLEX"

WHEREAS, the City of Cave Junction and the Illinois Valley is threatened by the Biscuit Fire Complex; and

WHEREAS, the Biscuit Fire Complex is comprised of the Florence Fire, the merged Sour Biscuit Fire; and

WHEREAS, the complex has expanded to cover more than 275,000 acres; and

WHEREAS, the State Fire Marshall, acting under the Governor's State Conflagration Act declaration, assigned structural firefighters to assist in the protection of the homes in the area;

NOW, THEREFORE, the City of Cave Junction proclaims and pronounces appreciation for the crews providing support for the suppression of the fires. Given this day to:

*"Brookings Fire Department"*

DONE AND DATED this 12<sup>th</sup> day of August, 2002.

Signed:   
ED FAIRCLOTH, Mayor

Attest:   
CHARLES J. POLK, Recorder

**BUILDING DEPARTMENT ACTIVITIES SUMMARY**

For Month of **Oct-02**

No.	Building	Permit Fee	Plan Check Fee	Surcharge	SDF's	Value Current Month	No. to Date	Total to Date	No. Last Yr	Total Last Year
6	Single Family Dwelling	\$3,432.50	\$2,231.47	\$0.00	\$26,802.00	\$931,833.00	38	\$6,821,283.00	38	\$6,806,346.00
1	Single Family Addition	\$116.50	\$75.73	\$8.16	\$0.00	\$15,221.00	29	\$655,293.64	21	\$929,375.40
0	Single Family Garage-Carport	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	11	\$121,094.00	22	\$288,993.80
0	Two Family Residential	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	3	\$1,263,965.00	6	\$1,523,380.00
0	Multi-Family Residential Apts	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	1	\$485,006.00
0	Commercial New	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	10	\$17,696,675.00	3	\$1,008,681.00
1	Commercial Addition-Change	\$331.00	\$215.15	\$23.17	\$3,670.00	\$65,000.00	13	\$407,634.00	13	\$338,836.60
0	Churches	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	1	\$5,000.00	1	\$3,317.00
0	School Repair-Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	3	\$10,542,307.00	1	\$6,356.00
0	Building Removal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	1	\$0.00	3	\$0.00
0	Misc.-Retaining Wall-Fence	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	1	\$10,900.00	6	\$10,212.40
8	<b>Total Building Permits</b>	<b>\$3,880.00</b>	<b>\$2,522.35</b>	<b>\$271.60</b>	<b>\$30,472.00</b>	<b>\$1,012,054.00</b>	<b>110</b>	<b>\$21,624,151.84</b>	<b>115</b>	<b>\$11,400,504.20</b>
11	Mechanical Permits	\$252.35	N/A	\$17.66	N/A	N/A	76	N/A	85	N/A
6	Plumbing Permits	\$285.60	N/A	\$19.99	\$0.00	N/A	48	N/A	54	N/A
0	Manufactured Home Permits	\$0.00	N/A	\$0.00	\$0.00	N/A	0	N/A	5	N/A
25	<b>TOTAL PERMITS</b>	<b>\$4,417.95</b>	<b>\$2,522.35</b>	<b>\$309.26</b>	<b>\$30,472.00</b>	<b>\$1,012,054.00</b>	<b>234</b>	<b>\$21,624,151.84</b>	<b>259</b>	<b>\$11,400,504.20</b>
	Total Year to Date Calculated Fees	\$71,712.90	\$56,304.82	\$5,019.91	\$148,254.00					
	2001 YTD Calculated Fees	\$46,575.00	\$27,525.33	\$3,260.24	\$274,339.00					