

# agenda

CITY OF BROOKINGS  
CONTINUED PUBLIC HEARING  
Brookings City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon  
February 5, 2001  
7:00 p.m.

*I.        CALL TO ORDER*

*II.       PLEDGE OF ALLEGIANCE*

*III.      ROLL CALL*

*IV.       CONTINUED PUBLIC HEARING-from January 22, 2001*


- A.    In the matter of Planning Commission File No. APP-1-01, an appeal to a Planning Commission decision that approved VAR-2-00, an application for a variance to the existing Claron Glen subdivision to deny public access to internal walkways and not require sidewalks on both sides of the street; Assessor's Map 40-13-31 CD, various tax lots; R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size) Zone. Wayne F. Robinson, appellant.*

*VI.       ADJOURN*





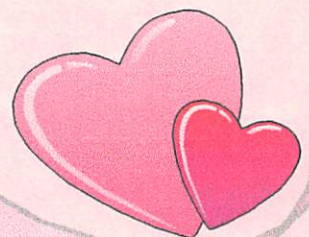
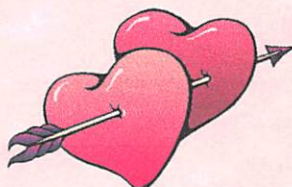
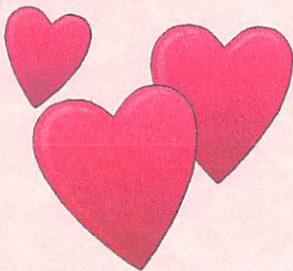
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Agenda  
City of Brookings  
Common Council Meeting  
City Hall Council Chambers  
898 Elk Drive  
Brookings, OR 97415  
February 12, 2001  
7:00 p.m.



~and the hope of Spring  
and the enjoyment of  
living in our home of  
winter flowers



# agenda

CITY OF BROOKINGS  
COMMON COUNCIL MEETING  
Brookings City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon  
February 12, 2001  
7:00 p.m.

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS**

***A. Announcements***

- 1. Special Recognition to Keith Hislop - Thank you for service on Budget Committee***
- 2. Special Recognition to Augie Kofoet - Thank you for service on Parks & Recreation Commission***

***B. Appointments***

- 1. Budget Committee Position No. 1***
- 2. Budget Committee Position No. 2***
- 3. Budget Committee Position No. 3***
- 4. Parks and Recreation Commission Position No. 5***
- 5. Parks and Recreation Commission Position No. 6***

**V. PUBLIC HEARING**

- A. In the matter of Planning Commission File No. APP-1-01, Continued public hearing regarding an appeal to a Planning Commission decision that approved VAR-2-00, an application for a variance to the existing Claron Glen subdivision to deny public access to internal walkways and not require sidewalks on both sides of the street; Assessor's Map 40-***



*13-31 CD, various tax lots; R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size) Zone. Wayne F. Robinson, appellant.*

**VI. SCHEDULED PUBLIC APPEARANCES**

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

- A. *Committee and Liaison reports*
  - 1. *Chamber of Commerce*
    - a. *Driftwood Festival Committee Request - Genie Gilliam*
    - b. *Annual Report*
  - 2. *Businesses for a Better Brookings*
  - 3. *Port of Brookings-Harbor*
  - 4. *Planning Commission*
    - a. *Annual Report*
  - 5. *Council Liaisons*
- B. *Unscheduled*

**VIII. STAFF REPORTS**

- A. *City Manager*
  - 1. *Performance evaluation criteria for City Manager, City Attorney, and Municipal Court Judge*
  - 2. *Other*

**IX. CONSENT CALENDAR**

- A. *Approval of Council Meeting Minutes*
  - 1. *Minutes of January 22, 2001, Regular Council Meeting*
  - 2. *Minutes of February 5, 2001, Special Continued Council Public Hearing Meeting*
- B. *Acceptance of Parks and Recreation Commission Minutes*
  - 1. *Minutes of November 16, 2000, Regular Commission Meeting*
- C. *Acceptance of Planning Commission Minutes*
  - 1. *Minutes of December 5, 2000, Regular Commission Meeting*
- D. *Approval of Vouchers (\$156,647.99)*

*(end Consent Calendar)*



*X.            ORDINANCES/RESOLUTIONS/FINAL ORDERS*

*XI.          REMARKS FROM MAYOR AND COUNCILORS*

*A.      Council*

*B.      Mayor*

*1.      Adoption of Liaison Appointments*

*XII.        ADJOURNMENT*

pc: CC/FH/BPD dispatch

FEBRUARY 2001

# Council Chambers and Fire Hall Use - as of 2/8/01

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				8:15am CC-CmtyDevDpt Staff mtg/LLightle 9:00am CC-Crime Stoppers 7:00am TV49-Coast Today w/City Officials &/or Employees		
	7:00pm CC-Continued Public Hearing CC Mtg 9:00am CC-VIPS/Volunteers in Police Service-BPalicki 7:00pm FH-FireTmg/ChShrp	11:30am FH-Teamsters Un Mtg/DDotson 8:30pm BHHS-BPD Citizen Police Academy #8-OSP-Tactical Connctns/BPalicki 7:00pm CC-Planning Commission	12:00pm Comnity Agencies mtg @ Chetco Sr.Center 7:00pm CC-50th B/D Comm Mtg/LKuhn 7:00pm FH-PoliceReserves	8:15am CC-CmtyDevDpt Staff mtg/LLightle 7:00am TV49-Coast Today w/City Officials &/or Employees 10:00am CC-Site Plann Com Mtg/LauraLee Gray	Regional City Managers Conference in Brookings	
	12:00pm FH-Suburban Rural Fire Dept Dist Mtg/RexAtwell 9-4663 7:00pm FH-FireTmg/ChShrp 7:00pm CC-Council Mtg	3:00pm CC-HOPE Mtg/ Tim Adsit-469-7443 8:30pm CC-BPD CitznPoliceAcadmy #8-Drug Invstgns/ BPalicki	HAPPY VALENTINES DAY!! 2:30pm FH-SafetyComMtg/ HThompson 3:00pm CC-AMF Mtg/SRidens	7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC-Site Plann Com Mtg/LauraLee Gray 12:00pm CC-Sewer Rate Study Mtg/LBlodgett 7:00pm CC-SkatePark Comm/Councilor Johns		
	Lincoln's Birthday 7:00pm FH-FireTmg/ChShrp 8:00am City Hall CLOSED - Presidents' Day Holiday 9:00am CC-VIPS/Volunteers in Police Service-BPalicki	6:30pm CC-BPD Citizen Police Acadmy#8-Invstgtns/BPalicki	Valentine's Day 8:00pm FH-Subrbn Fire Dist Mtg/RexAtwell	7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC-Site Plann Com Mtg/LauraLee Gray 2:00pm CC-Emerg Tsk Force w/CoCrdrntr-Chf Sharp,Marrell 7:00pm CC-Parks & Rec Comm/ CMickelson	8:00am FH-Police Dispatch Oral Boards/Sgt Cooper	AzPark & BudCross Fields-Slipp
AzPark & BudCross Fields-Slipp	Presidents Day 9:00am CC-Municipal Court/ JdgHarper 7:00pm CC-Council Mtg 7:00pm FH-FireTmg/ChShrp	6:30pm CC-BPD Citizen Police Acadmy #8-Invstgtns/BPalicki	7:00pm FH-50th B/D Comm Mtg/LKuhn	Washington's B-Day		
			Ash Wednesday			

AMF=American Music Festival

AzPk=Azalea Park

Bndshll=Bandshell

BPD=BrkgsPolice Dept

CC= Council Chambers or City Council

CCCOA=Curry County Council on Alcoholism

CDD=Community Development Dept/CmtyDevDpt

FH=Fire Hall

HOPE=Healthy Opportunity for Positive Environment

ODOT=Oregon Dept of Transportation

PC=Planning Comm

PRQUD=Pstive Revltzn of Urban Dwntrn Com

SDC=Systems Devlpt Charge Review Brd

VIPS=Volunteers in Police Service

JANUARY 2001

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

MARCH 2001

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	22	23	24
25	26	27	28	29	30	31



# MARCH 2001

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				8:15am CC-CmtyDevDpt Staff mtg/LLightle 9:00am CC-Crime Stoppers 10:00am CC-Site Plann Com Mtg/LauraLee Gray 7:00am TV49-Coast Today w/City Officials &/or Employees		
	9:00am CC-VIPS/Volunteers in Police Service-BPalicki 7:00pm FH-FireTmg/ChShrp	6:30pm BHHS-BPD Citizen Police Acadmy #8-Invstgtns/BPalicki 7:00pm CC-Planning Commission	12:00pm Comnity Agencies mtg @ Chetco Sr.Center 7:00pm FH-PoliceReserves	8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC-Site Plann Com Mtg/LauraLee Gray 7:00am TV49-Coast Today w/City Officials &/or Employees		6:00pm 50th B/D Comm Fund Raiser @ Elks/Dinner
	10:00am CC/Hall Area-10AM - 3PM Ballot Elections Drop/Off 7:00pm FH-FireTmg/ChShrp 7:00pm CC-Council Mtg	10:00am CC/Hall Area-10AM to 8PM Elections Ballot Drop/Off 3:00pm CC-HOPE Mtg/ Tim Adsit-469-7443 6:30pm CC-BPD Citizen Police Acadmy #8-Crt Systm/BPalicki	8:00am CC-HOLD/CST Mtg: ODOT/Proud/Gov's Reg Cordntr/etc-LBlodgett 2:30pm FH-SafetyComMtg/ HThmpson 7:00pm "Curry Govts" Mtg @ Gold Beach City Hall-2nd Wed of,Nov,Jan, Mar, May, Jul, Sep, Nov, Jan	7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC-Site Plann Com Mtg/LauraLee Gray		
	9:00am CC-Municipal Court/ JdgHarper 9:30am CC-VIPS/Volunteers in Police Service-BPalicki 7:00pm FH-FireTmg/ChShrp	6:30pm CC-BPD Citizen Police Acadmy #8-Parole/Probrtn/ JuvSys/BPalicki	6:00pm FH-Subrbn Fire Dist Mtg/RexAtwell	7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC-Site Plann Com Mtg/LauraLee Gray 2:00pm CC-Emerg Tsk Force w/CoCrdntr-Chf Sharp;MArell 7:00pm CC-Parks & Rec Comm/ CMickelson		St. Patrick's Day
	7:00pm CC-Council Mtg 7:00pm FH-FireTmg/ChShrp	6:30pm CC-BPD Citizen Police Acadmy#8-PrznSystms/Palicki	6:00pm CC-Victim's Impact Panel (247-2412)CCCOA	7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC-Site Plann Com Mtg/LauraLee Gray 6:30pm CC-Seatbelt Class-PD/BPalicki		AzPark & BudCross Fields-April
FEBRUARY 2001				APRIL 2001		
S M T W T F S				S M T W T F S		
4 5 6 7 8 9 10				1 2 3 4 5 6 7		
11 12 13 14 15 16 17				8 9 10 11 12 13 14		
18 19 20 21 22 23 24				15 16 17 18 19 20 21		
25 26 27 28				22 23 24 25 26 27 28		
				29 30		

# CITY OF BROOKINGS

898 Elk Drive  
Brookings, Oregon 97415  
Phone (541) 469-2163  
Fax (541) 469-3650  
cityhall@brookingsor.org

The Home of Winter Flowers



# PRESS RELEASE

## CITY COMMITTEE & COMMISSION OPENINGS

As a result of the City Council receiving letters of resignation and various committee, board, and commission positions terminating, we now have the following volunteer position openings:

1. Budget Committee/Position #1 - 3-year term expiring February 01, 2004 (effective Feb. 12<sup>th</sup>)
2. Budget Committee/Position #2 - 3-year term expiring February 01, 2004 (effective Feb. 12<sup>th</sup>)
3. Budget Committee/Position #3 - 3-year term expiring February 01, 2004 (effective Feb. 12<sup>th</sup>)
3. Parks and Recreation Commission/Position #5 - 4-year term expiring February 01, 2005 (effective Feb. 12<sup>th</sup>)
4. Parks and Recreation Commission/Position #6 - 4-year term expiring February 01, 2005 (effective Feb. 12<sup>th</sup>)

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

The Brookings Budget Committee meets as scheduled at 7:00 PM in the Brookings City Hall Council Chambers during April.  
The Brookings Parks and Recreation Commission meets monthly on the fourth Thursday at 7:00 PM in the Brookings City Hall Council Chambers.

These openings are for unpaid volunteer positions. However, appointment to these positions guarantees an invitation to one of Brookings' premier events - the City's ANNUAL VOLUNTEER & EMPLOYEE PICNIC - August 25, 2001. If you are interested in being considered for any of these positions, please send a completed application, which is available at City Hall between 9AM and 4:30PM, and a cover letter to Mayor Bob Hagbom, 898 Elk Drive, Brookings, Oregon 97415. Tell us about your background, including any volunteer work or positions you have held, in Brookings or elsewhere. Completed applications must be at City Hall before 12:00 Noon on February 2, 2001, to be considered.

The Council will act on these appointments at their meeting February 12, 2001. If you have any questions about the position, please call Mayor Bob Hagbom at 469-0150 or City Manager Leroy Blodgett at 469-2163. Thank you for considering a volunteer committee appointment with the City of Brookings.

## NEWS MEDIA: FOR IMMEDIATE RELEASE

### City of Brookings

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

898 Elk Drive ♦ Brookings, OR 97415 ♦ E-mail - cityhall@brookingsor.org

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

FAXED NOTICE SENT TO: Curry Coastal Pilot, KURY, KCRE, KPOD, KBSC-TV49, The World, The Triplicate, Curry County Reporter, Chetco Public Library, Port of Brookings-Harbor, Brookings-Harbor Chamber of Commerce, Brookings-Harbor School District, SWOCC, Brookings Police Department, City Council, posted at City Hall. DATED: 01/12/01



*February 1, 2001*

*Dear Mayor Hagbom:*

*My name is Stanley Baron and I am the President and Chief Executive officer of the Chetco Federal Credit Union. My wife and I have been residents of Brookings since June of 2000.*


*I wish to be considered for an appointment to the city budget committee. Following is a list of my experience and credentials:*

- 1. I have served as a Chief Executive Officer of financial institutions for more than twenty years.*
- 2. I have more than twenty-five years experience in the budgetary process.*
- 3. I served as Budget and Finance Committee Chairman for the Bergen County, New Jersey ARC.*
- 4. I served as the treasurer and budget committee chairman for the Pascack Valley Police Vest Fund.*
- 5. I also served as the Finance and Budget Committee Chairman for the New Jersey Credit Union League.*
- 6. I served as the Chairman of the board for the New York State Shared Services Corporation.*
- 7. I was a member of the advisory council to the Montclair State University Graduate School of Business.*

*I believe the city of Brookings is on the threshold of tomorrow. Growth and prosperity will serve to make Brookings a better place to live, work, worship and visit. I would hope to make a small contribution to that success as a member of the city budget committee.*

*Thank you for your time and consideration. If necessary I can be reached daily at 469-1600 or evenings at 412-7314.*

*Very truly yours,*

  
*Stanley J. Baron*

**received**  
2-01-01



# City of Brookings

Phone (541) 469-2163

FAX (541) 469-3650

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

898 Elk Drive ♦ Brookings, OR 97415

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

Name: STANLEY J. BARON

Date: Feb. 1, 2001

Physical Address: [REDACTED]

Mailing Address: P.O. BOX 8151

Phone: 412-7314

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

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

1. Resident of City of Brookings since: Month: 6 Year: 2000

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

(Continued on back)



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

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

B.A. - Upper Montclair State University, New Jersey

Major: Accounting

4. Please list three references:

	NAME:	ADDRESS:	PHONE:
A.	John Zia	[REDACTED], Brookings	469-5285
B.	Peter Spratt	P.O. BOX 1344, Brookings	469-4119
C.	Gordon Myrah	P.O. BOX 1199, Brookings	469-0269

5.

Signature

February 1, 2001

Date



# City of Brookings

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898 Elk Drive ♦ Brookings, OR 97415

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

Name: KENNETH MARTIN Date: 2-06-2001  
Physical Address: ~~REDACTED ADDRESS~~ BROOKINGS OR 97415  
Mailing Address: SAME AS ABOVE Phone: 541-469-3972

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

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

1. Resident of City of Brookings since: Month: 11 Year: 93

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

SERVICE, AND WISH TO SERVE MY COMMUNITY.

(Continued on back)



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

2 yrs COLLEGE BUSINESS MAJOR.

RETIRED DEPT OF CORRECTION, FOOD SERVICE.

4. Please list three references:

NAME:	ADDRESS:	PHONE:
A. <u>BOB HAYBOM.</u>	<u>BROOKINGS.</u>	<u>969 0150</u>
B. <u>DAVE AMBROSE</u>	<u>"</u>	<u>469-1025</u>
C. <u>JIM BARBER</u>	<u>"</u>	<u>469 3908</u>

- 5.

Kenneth M. Lato  
Signature

2-06-2001  
Date



# City of Brookings

Phone (541) 469-2163

FAX (541) 469-3650

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

898 Elk Drive ♦ Brookings, OR 97415

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

Name: Bruce Nishioaka Date: 2-1-01  
Physical Address: ~~XXXXXXXXXXXXXXXXXXXX~~  
Mailing Address: P.O. Box 6024 Phone: 712-3414

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

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

1. Resident of City of Brookings since: Month: 1 Year: 3

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

I wish to serve the community.  
I sat on the Budget Committee last year.

(Continued on back)

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

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

Born: Salem OR

Undergrad: U of O

Law U of San Diego

Dep. D.A.: Del Norte County (3 years)

Corp Counsel w/ Transamerica: 7 years

4. Please list three references:

NAME:

ADDRESS:

PHONE:

A. Keith Kupper

469-5537

B. Charles Kupper

469-3123

C. Caro Mishioka

412-3414

5.

Signature

Caro Mishioka

Date

1-31-01



# City of Brookings

Phone (541) 469-2163

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898 Elk Drive ♦ Brookings, OR 97415

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

Name: Donald E Nuss III Date: 1-31-1  
Physical Address: ~~800 Brookings Ave~~ Brookings OR 97415  
Mailing Address: P.O. Box 1581 Phone: 412-0244 work

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

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

1. Resident of City of Brookings since: Month: 01 Year: 92
2. Please briefly explain why you wish to serve the community in this capacity and what prior experience, community service, or background you have in this area. (Attach additional sheets if needed.) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

(Continued on back)



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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Owner Coastal Copiers Sales and  
Leasing

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Please list three references:

NAME:	ADDRESS:	PHONE:
A. <u>Lee Musser CPA</u>	<u><del>1234 Main St</del></u>	<u>464-3542</u>
B. <u>Vern Garvin</u>	<u>Brookings "KURY"</u>	<u>464-2111</u>
C. <u>Pat Foley</u>	<u>Brookings</u>	<u>412-7829</u>

5.

Don Musser III

Signature

2-2-1

Date



# City of Brookings

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

898 Elk Drive ♦ Brookings, OR 97415

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

Name: Harold E. Thiesen Date: 01-22-01

Physical Address: [REDACTED], Brookings, OR 97415

Mailing Address: P. O. Box 4183, Brookings, OR 97415 Phone: (541) 469-5565

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

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

1. Resident of City of Brookings since: Month: \_\_\_\_\_ Year: 1972

2. Please briefly explain why you wish to serve the community in this capacity and what prior experience, community service, or background you have in this area. (Attach additional sheets if needed.) I have served on this Committee for many years.

I have also Chaired this Committee.

(Continued on back)

2. Continued: I assisted the Deputy Clerk of School District 17 with Budget Planning  
and preparation during my many years of employment as Purchasing Agent  
for District 17.
3. Biographical Sketch: (Education, employment, etc.) (Attach additional sheets if needed.)  
Birth and schooling in Southern California.  
High School - Southern California - R O T C  
WW II United States Coast Guard - Honorable Discharge  
Office Equipment - Sales  
Office Equipment - Branch Mgr. Offices in Salem & Eugene - - - Retired  
Moved to Brookings and later re-entered working world as  
Purchasing Agent for School District 17C.  
Retired permanently except for Civic Activities.
4. Please list three references:

NAME:	ADDRESS:	PHONE:
A. <u>Jim Collis</u>	<u>[REDACTED]</u>	<u>469-3678</u>
B. <u>Jack Watrous</u>	<u>The Cove</u>	<u>469-0705</u>
C. <u>Jan Norwood</u>	<u>[REDACTED]</u>	<u>469-4909</u>

5.

David E. Thewissen  
 Signature

January 22, 2001  
 Date

*Dori Frost*  
*P.O. Box 7164*  
*Brookings, Or. 97415*

February 2, 2001

Dear Mr. Mayor,

I would like the opportunity to apply for the volunteer position available on the Parks and Recreation Commission.

I work full time as Children's Librarian at Chetco Community Public Library and I am very active in many volunteer activities in the community. With the library, I offer after hours activities including evening story nights. In the community, I volunteer my time to offer free craft activities for the annual Kite Festival, the Festival of the Arts, and this year I will be helping with the Driftwood Festival in March.

I am currently active in the City's 50th Birthday Committee and I am working on the committee for planning the 8th grade advancement celebration.

I am very interested in our local parks and I would like the opportunity to serve Brookings Harbor as a member of the Parks and Recreation Commission

Thank you for your consideration,

*Dori Frost*

Dori Frost  
Wk. 469-7738 Hm. 469-9555





# City of Brookings

Phone (541) 469-2163

FAX (541) 469-3650

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

898 Elk Drive ♦ Brookings, OR 97415

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

Name: DORIS (DORI) M. FROST

Date: JANUARY 19, 2001

Physical Address: [REDACTED]

Mailing Address: P.O. Box 7164

Phone: 469-9555

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

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

1. Resident of City of Brookings since: Month: 6 Year: 96 97

2. Please briefly explain why you wish to serve the community in this capacity and what prior experience, community service, or background you have in this area. (Attach additional sheets if needed.) I HAVE ENJOYED VOLUNTEERING WITH THE KITE FESTIVAL (3 YRS) AND FESTIVAL OF THE ARTS (2 YRS), PROVIDING CHILDREN'S ACTIVITIES. I HAVE WORKED CLOSELY WITH THE COMMUNITY

(Continued on back)

2. Continued: AND WANT TO OFFER MY TIME AND ENERGY ON A MORE  
REGULAR BASIS. HAVING LIVED IN THE NORTHWEST OVER 12 YEARS,  
AND BROOKINGS OVER 3 YEARS, I FEEL I HAVE AN UNDERSTANDING  
OF THE CLIMATE AND WEATHER PATTERNS. I AM ALSO AWARE OF THE  
NEEDS OF OUR YOUNG PEOPLE, YOUNG FAMILIES AND SENIORS IN RECREATIONAL  
AREAS.

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

MY COLLEGE EXPERIENCE BEGAN WITH HEALTH SCIENCE AND  
FINISHED IN EDUCATION. (WHITWORTH COLLEGE, SPOKANE, WA.)  
MY EMPLOYMENT BEGAN IN PRIVATE SCHOOLS, TEACHING, AND  
LATER AS DIRECTOR OF CORPORATE DAY CARES. MOVING FROM  
WA. STATE TO OKLAHOMA, I ACCEPTED A 5 YEAR CONTRACT AS  
A NUTRITION SUPERVISOR/DIRECTOR FOR MID-DEL SCHOOLS. MY  
LAST 3 YEARS I WORKED DIRECTLY WITH THE STAFF AND STUDENTS  
OF DEL CITY H.S. WHEN MY CONTRACT TERM CAME-UP FOR RENEWAL  
I DECLINED AND MOVED BACK TO THE NORTHWEST, ACCEPTING  
MY CURRENT POSITION AS CHILDREN'S LIBRARIAN AT CHETCO  
COMMUNITY PUBLIC LIBRARY. I HAVE SOON TO CELEBRATE  
MY 4TH YEAR IN BROOKINGS (June 01)

4. Please list three references:

NAME:	ADDRESS:	PHONE:
A. <u>Alisa Green</u>	<u>[REDACTED]</u>	<u>469-7077</u>
B. <u>Susana Fernandez</u>	<u>Chetco Community Public Library</u> <u>405 Alder St</u>	<u>PRK 469-7738</u>
C. <u>Violet Lovejoy</u>	<u>[REDACTED]</u>	<u>469-5068</u>

5.

Dori Frost  
 Signature

2-2-01  
 Date



# City of Brookings

Phone (541) 469-2163

FAX (541) 469-3650

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

898 Elk Drive + Brookings, OR 97415

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

Name: Nancy Shute Date: 1-20-01

Physical Address: [REDACTED]

Mailing Address: Same Phone: [REDACTED]

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

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

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

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

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

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

☐ Other (Please list): \_\_\_\_\_

1. Resident of City of Brookings since: Month: 4 Year: 1998

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

Since being appointed to fill a vacancy in the Parks & Rec. Comm,  
I have enjoyed "being part of the process" and feel

(Continued on back)

2. Continued: that I have just begun to serve. I wish  
to continue my involvement in that Commission and  
help bring to fruition some things that are just  
starting. Also I would like to start learning the  
Budget Process and to serve on that Committee.

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

On file

4. Please list three references:

	NAME:	ADDRESS:	PHONE:
A.	_____	_____	_____
B.	_____	_____	_____
C.	_____	_____	_____

5.

Signature

Date

1-20-01



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

SUBJECT: Appeal  
FILE NO: APP-1-2001  
HEARING DATE: January 22, 2001

REPORT DATE: January 16, 2001  
ITEM NO: V.A

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**GENERAL INFORMATION**

APPLICANT: Wayne F. Robinson.

REPRESENTATIVE: None.

REQUEST: An appeal to a Planning Commission decision that approved VAR-2-00, an application for a variance to the existing Claron Glen subdivision to deny public access to internal walkways and not require sidewalks on both side of the street.

TOTAL LAND AREA: 20 acres  $\pm$ .

LOCATION: Between Hassett St. on the south and Brooke Lane on the north and from the first tier of lots on the west side of Third St. to the west boundary of the Brookings Meadow Subdivision.

ASSESSOR'S NUMBER: 40-13-31CD, Tax Lot-Variou.

**ZONING / COMPREHENSIVE PLAN INFORMATION**

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

PROPOSED: Same.

SURROUNDING: All R-1-6 except on the north which is R-1-10 and R-1-8

COMP. PLAN: Residential.

**LAND USE INFORMATION**

EXISTING: Single family homes.

PROPOSED: No change in the use other than to close walkways to the public.

SURROUNDING: Same.

PUBLIC NOTICE: Mailed to all property owners within the Claron Glen Subdivision and within 250 feet of Claron Glen Subdivision boundaries, and published in local news paper.

## BACKGROUND

In 1990 the Planning Commission approved the Claron Glen Subdivision, creating 72 lots on a 38 acre parcel of land. This subdivision was unique in that the developer, South Coast Lumber Co. chose to take advantage of a provision within the City's Land Development Code that allowed walkways to be placed within common areas between the lots in leu of placing sidewalks on one side of the streets. A detailed explanation of this approval can be found in the attached Planning Commission Staff Report.

On December 5, 2000 the Planning Commission held a public hearing on, and approved, an application submitted by the Claron Glen Homeowners Association, for a variance to allow the internal walkways to be closed to the public without being required to construct a sidewalk on the west side of Third St. and Midland Way.

The attached Planning Commission Staff Report contains the materials submitted by the applicant and staff's analysis of this material and recommendation on the request.

The Planning Commissions decision is now being appealed to the City Council. The basis of the appeal is contained in a letter submitted with the application for an appeal on December 17, 2000 and is attached. Staff has read this letter and believes that the analysis contained in the Planning Commission Staff Report is sufficient to address the issues raised by the appellant, except for one point of clarification. The appellant's letter refers to an original variance to allow the internal walkways in leu of a side walk on one side of the street. As explained in the Planning Commission Staff Report, the Land Development Code specifically allows the Planning Commission to approve alternative pedestrian routes. No variance was sought by the applicant or approved by the Planning Commission in the original approval of the Claron Glen Subdivision.

All evidence submitted at the Planning Commission hearing is in your packet. However, during that hearing there was considerable testimony about the maintenance of the trees within the Claron Glen walkways. At the time of the hearing staff stated that the trees were not an issue in deciding the variance, although at least one Commission member disagreed. The evidence in your packet primarily concerns the trees and in staff's opinion do not address the nor apply to the criteria used to decide a variance. Staff is recommending that the Council review all of the information an determine if it wants to consider testimony about the trees at its meeting. In his letter, the appellant addresses the variance criteria and has not discussed the trees.

All appeals of Planning Commission decisions to the City Council are "de novo" hearings and thus new evidence can be submitted to be considered.

Staff continues to recommend **APPROVAL** of Planning Commission File No. VAR-2-00, based on the findings and conclusions in the Planning Commission Staff Report.

Wayne Robinson  
949 Helen Lane  
Brookings, Oregon

Brookings City Council  
898 Elk Drive  
Brookings Oregon

Dear City Councilors:

I am appealing the Planning Commission ruling on the variance sought by the Clarion Glen Homeowners Association. I feel that very little was actually said about the impact of not requiring sidewalks in the area. A review of the Planning Commission meeting will show that too much was said about trees and not enough about sidewalks.

The variance grants relief the Clarion Glen HOA from a previous variance sought by them. They got a financial advantage with the first variance for the walkways, and now seek further gains by negating the walkways without construction of sidewalks.

1. The developer put in the walkways instead of sidewalks to lower his initial cost of development. The trade-off was the higher maintenance cost of the walkways. Since this lower development cost was passed on, presumably in lower lot prices, this is hardly a hardship on the owners of the property. The Clarion Glen HOA now wants to close the walkways without installing sidewalks to preserve a financial advantage of some residents.

Installing the required sidewalk will only increase the value of the properties in the area. They will then be totally conforming with the rest of the newer subdivisions and also have a great increase in public safety.

The lack of sidewalks on both sides of the street creates serious hazards for people, especially children, who live in the area. This is an upscale area with some young families moving in. The parents are left with the fact that their children must play in the street rather than on a sidewalk. This could be very dangerous.

2. Granting of this variance will cause a greater difference in the property rights and values in the area. The owners that have the walkways behind them also have a sidewalk in the front of their home. Owners across the street have neither walkways or sidewalks. The owners with walkways closed and a sidewalk will have greater value and no threat of sidewalk installation to hang over them.
3. The addition of sidewalks on the west side of the streets involved will not be a big hardship on the property owners. Construction could be done with very little impact on existing landscaping. All driveways need not be reconstructed. Cuts could be made to bring the driveway sides up to code without removing the entire driveway apron. If some sprinkler lines and bushes need to be moved that is a small cost compared to the increased safety of the sidewalks. How many bushes and sprinklers is a persons life and safety worth?
4. The cost of the sidewalks need not be borne by each individual property owner without a sidewalk. By spreading the cost among all of the 70+ members of the Clarion Glen HOA it would not be much of a hardship on anyone. In as

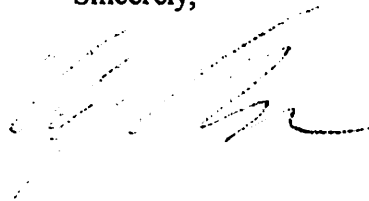
much as the addition of the sidewalks will increase the value of the affected properties there is really not much cost at all. The Clarion Glen HOA will also be able to spend less money on the maintenance of the walkways since they will not have to be kept to city walkway standards.

A reasonable estimate of \$15 per running foot for sidewalk construction would have an estimated total for 2,000 feet of sidewalk of \$30,000. Spread over the 70+ property owners of Clarion Glen HOA this is less than \$500 each, hardly a financial hardship. I cannot believe that the good people of this neighborhood could not contribute this amount to improve their property and increase their safety.

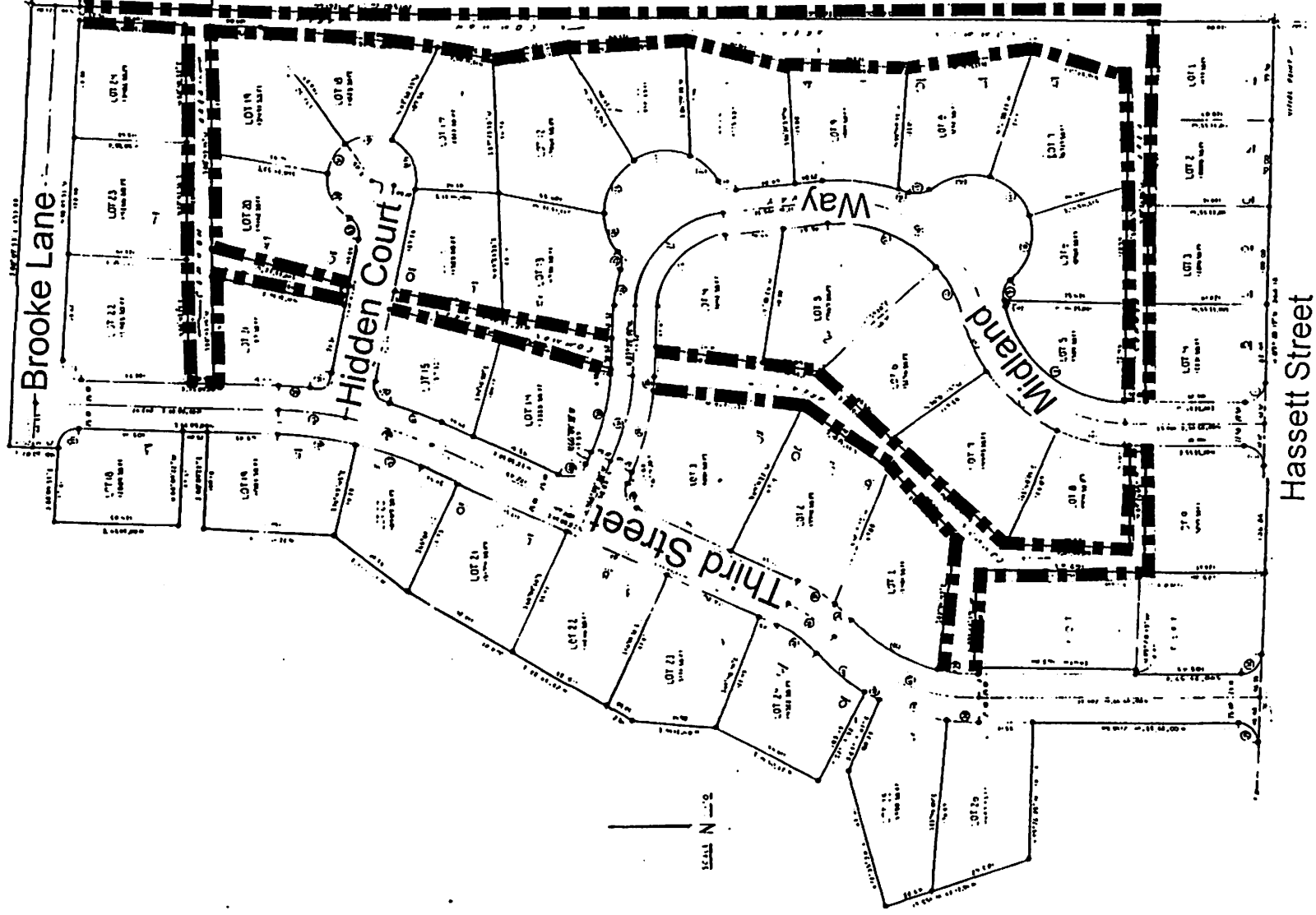
5. By granting this variance on the premise that the minor inconvenience of having your lawn disturbed, and possibly not using your garage for a few days is a severe hardship, is a bad precedent. I don't recall any worry about lawns and home access when the sewer was installed in Dawson tract. Public safety should outweigh any small problems with regard to sidewalk construction. If a serious personal injury results from a lack of sidewalks in this area, I think the city council would seriously regret not acting in the public good.

For the above reasons I respectfully request that the Planning Commission approval of the Clarion Glen HOA variance # VAR-2-00 be rescinded and sidewalks required if the walkways are to be closed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wayne F. Robinson', with a stylized flourish at the end.

Wayne F. Robinson





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

SUBJECT: Variance  
FILE NO: VAR-2-00  
HEARING DATE: December 5, 2000

REPORT DATE: November 17, 2000  
ITEM NO: 8.2

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**GENERAL INFORMATION**

APPLICANT: Claron Glen Homeowners Association.

REPRESENTATIVE: William A. Boynton.

REQUEST: The applicant is requesting a variance that would allow the homeowners association (HOA) to close the walkways within the common area of the subdivision to the public while still retain sidewalks on one side of the street only.

TOTAL LAND AREA: 20 acres  $\pm$ .

LOCATION: Between Hassett St. on the south and Brooke Lane on the north and from the first tier of lots on the west side of Third St. to the west boundary of the Brookings Meadow Subdivision.

ASSESSOR'S NUMBER: 40-13-31CD, Tax Lot-Variou.

**ZONING / COMPREHENSIVE PLAN INFORMATION**

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

PROPOSED: Same.

SURROUNDING: All R-1-6 except on the north which is R-1-10 and R-1-8

COMP. PLAN: Residential.

**LAND USE INFORMATION**

EXISTING: Single family homes.

PROPOSED: No change in the use other than to close walkways to the public.

SURROUNDING: Same.

PUBLIC NOTICE: Mailed to all property owners within the Claron Glen Subdivision and within 250 feet of Claron Glen Subdivision boundaries, and published in local news paper.

## BACKGROUND INFORMATION

The Claron Glen Subdivision was approved in April, 1990 to create 73 lots from a 38.63 parcel of land located on the north side of Hassett St. between Second St. on the west and the Brookings Meadow Subdivision on the east. The subdivision contained four through streets and two cul-de-sac streets. When the Claron Glen Subdivision was first proposed, it was presented with the concept of internal walkways and sidewalks on one side of the street, in lieu of sidewalks on both sides. Section 172, Public Facilities Improvement Standards and Criteria, Sub-Section 060.A.2 Sidewalks, states "In the case where a proposed development provides suitable alternative pedestrian routes and approved by the Planning Commission." Using this provision the subdivision was approved with sidewalks on one side of Third St. Timberline Dr. and Midland Way and with internal walkways throughout the interior of the subdivision.

The first phase of Claron Glen was recorded in December, 1990 with a total of 26 lots located from along the west side of Third St. to the easterly boundary of the subdivision. This phase was constructed with sidewalks on the east side of Third St. and Midland Way and with common area walkways through the interior of the subdivision. The remaining 47 lots were not recorded within the allotted time period and the remaining portion of the subdivision became invalid.

In July, 1992 the Planning Commission approved the Claron Glen II Subdivision which was identical to the original 47 lots that did not get recorded from the original approval, except that it contained additional lots on extension of the north end of Timberline Dr. and along the north side of Brooke Lane. This subdivision, except for the lots at the northerly most end of Timberline Dr. was recorded on May 4, 1994. The original approval of Claron Glen II Subdivision, as in the original 1990 approval, allowed internal common area walkways in lieu of sidewalks on one side of the street. However, by the time this map was to be recorded, the applicant, South Coast Lumber Co., realized that the residents within the first phase were not happy with the common walkways and were complaining about them. The complaints were based on the fact the walkways were along the back yard of the houses and people walking along them could and would stop and stare at owners having a barbeque or just sitting in their backyard. At that time the applicant decided to place sidewalks on both sides of Timberline Dr. and to keep what were to be internal walkways as just common area. This change was allowed for Claron Glen II, however, since the original phase did not have sidewalks on both sides of the street, the walkways in Phase 1, east of Third St., were still considered to be walkways.

In the interim these common walkways have become a problem for both the city and the homeowner's association and is a source of contention between neighbors. The city has received complaints from owners in the Brookings Meadow Subdivision, that the walking trails within Claron Glen, are not being kept open for walking purposes and that the walkways create a potential danger from undesirables hiding in the bushes. The city in turn has had to contact the homeowners association and require that the walkways be kept open. This has been an ongoing problem, even with compliance by the homeowners association, their response at times is not fast enough to satisfy the complaints.

## PROPOSED VARIANCE

The applicant is requesting a variance that would allow the walkways to be closed to the public without having to retrofit Third St. and Midland Way with sidewalks on the side that currently does not have one.

## ANALYSIS

The Planning Commission must consider and determine that the requested variance meets all of the following criteria:

1. Exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control, and to which the applicant has not contributed.
2. The variance is necessary for the preservation of the property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.
3. The authorization of the variance shall not be materially detrimental to the purpose of this code, be injurious to property in the same zone or vicinity in which the property is located or by otherwise detrimental to the objectives of any city development plan or policy.
4. The variance request is the minimum variance from the provisions and standards of this code which will alleviate the hardship.

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

### Criterion 1, Exceptional Circumstance.

There is an exceptional condition or circumstance inherent in this request that is beyond the control of the Claron Glen Homeowners Association. The internal walkways in lieu of sidewalks on both sides of the street, were requested by the developer of the property and approved by the city prior to the establishment of the HOA and even prior to the sale of any individual lot within the subdivision. The ultimate impact of having the public walkways within the common areas was not known when individuals bought lots or when the HOA was formed. A hardship can be considered to exist because of the ability of non residents having access to the walkways and thus having the potential to destroy the privacy of the property owners within their own back yards. The walk ways can also be considered to be a security risk because of their secluded nature. If people are walking around in the back yards of a conventional subdivision, they can be legitimately questioned as to why they are there. In Claron Glen the walkways provide an easy, legitimate and secluded access to the back of houses which could be used by burglars or for other illicit activities.

It would also be a hardship on each individual lot owner along the side of Third St. and Midland Way which would be retrofitted for a sidewalk if a sidewalk were to be required to close the walkway. Each lot would have a certain amount of its landscaping removed and construction crews walking in a portion of the remaining landscaping. A part of each driveway apron would also have to be removed and access to the garage would be interrupted during periods of construction requiring cars to be parked across the street. Since all of the walkways to be closed and the existing sidewalk are on the east side of Third St., the new sidewalk would be on the west side of the street. However, the residents on the west side of the street are not impacted by the walkway problem thus they would have to endure this hardship to resolve an issue that does not directly affect them. This is also a hardship that is out of the control of nor caused by the property owners or the HOA.

### Criterion 2, Preservation of A Property Right.

Each property owner has the expectation of a certain amount of privacy in his/her back yard and the expectation that the back of their house is not directly exposed to a secluded public area that may be used for illicit entry of their yard or house or other activities. The HOA also has the right to expect that the landscaping within its common area will be secure and relatively free of damage. As it has turned out the public aspect of the walkways have apparently been used to top and even remove trees belonging to the HOA, to improve the view of property owners outside of the Claron Glen Subdivision. Closing the walkways will provide increased security because anyone walking in them can be challenged as to why they are there and they can no longer be used as a legal access for the purpose of illegally removing trees or other landscape materials. Again these conditions are beyond the control of the individual property owners within the HOA and of the HOA itself.

When individuals bought property along the west side of Third St. and Midland Way, they did so with the expectation that their landscaping and driveways would not be ripped up to satisfy the intent of an ordinance which allowed the walkways in lieu of a sidewalk on one side of the street that ultimately failed. This is a preservation of a property right to enjoy their yards without the threat of disruption and is beyond the control of the individual owners and the HOA.

### Criterion 3, Affect On City Ordinances.

When the Claron Glen Subdivision was approved, the walkways were considered to be a creative and interesting alternative to placing sidewalks on both sides of the street. It was essentially an experiment that failed and the owners within the Claron Glen should not be made to endure the results of this failure. The walkways were and still are allowed by the Land Development Code. Since Claron Glen is the only subdivision in which this concept has been used, granting this variance will not be detrimental to the Land Development Code. If history is remembered, the city will not use the walkway option in a subdivision again unless it is a part of a planned unit development and not open to the general public or they are designed in a manner that avoids the issues discussed above. It is unlikely to set a precedent of approving another subdivision with public walkways and sidewalks on one side of the street and then turn around a grant a variance to do away with the walkways.

### Criterion 4, Minimum Variance.

The requested variance is to simply allow the closing of the walkways without having to replace the sidewalk on Third St. and Midland Way. This is the minimum that will resolve the problems generated by the walkways as discussed above.

The Claron Glen Homeowners Association C, C & Rs require that the common areas be maintained "...to standards deemed 'Reasonable Standards of Maintenance' by the Brookings City Council or the Brookings Planning Commission....." Once reverted back to just common area, the requirement of the C, C & Rs still must be met. Staff is therefore recommending a more general maintenance standard as follows:

"The common areas within the Claron Glen Homeowner Association ownership shall be maintained in a manner that enhances the common use and enjoyment of the property owners within the subdivision."

## FINDINGS

1. The applicant, the Claron Glen Homeowners Association, is requesting a variance to close the public walkways within the Claron Glen Subdivision and to not have to retrofit the sidewalk along the west side of Third St. and Midland Way.
2. The subject property is zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) and is designated as Residential by the Comprehensive Plan.
3. The area of the subdivision which contains the public walkways is the first recorded phase lying between Third St. on the west, Brooking Meadow Subdivision on the east, Brooke Ln. on the north and Hassett St. on the south.
4. Section 172, Public Facilities Improvement Standards and Criteria, Sub-Section 060.A.2 Sidewalks, of the Land Development Code, states "In the case where a proposed development provides suitable alternative pedestrian routes and approved by the Planning Commission."
5. Pursuant to Section 172.060.A.2, the developer proposed and gained approval to place walkways within common areas throughout the subdivision in lieu of sidewalks on one side of Third St. and Midland Way.
6. The walkways have generated complaints from property owners that their private backyard activities are viewed by people walking in the walkways.
7. The applicant has also expressed concern that because they are secluded the walkways can be used for illegal activities and present other security issues.
8. All of the residents along the non sidewalk side of Third St. and Midland Way have landscaped their yards to the curb and their driveways are also extended to the curb.
9. The Claron Glen Subdivision is the only non-planned unit development subdivision that has internal walkways in lieu of sidewalks on both sides of the street.

## CONCLUSIONS

1. The applicant has demonstrated that there is an extraordinary circumstance involved because the walkways were established prior to any of the residents buying property within the subdivision and prior to the formation of the Homeowners Association. The impact of having the walkways within the wooded and secluded common area behind the houses, was not understood at the time they were approved. The walkways therefore create a hardship on the individual property owners for privacy and security reasons. Both the circumstance and hardship are beyond either the HOA and individual owners control.
2. Requiring the HOA to retrofit Third St. and Midland Way by placing a sidewalk along the west side of the street will create a hardship on the individual owners along these streets because of the disruption of their landscaping and driveway aprons. The owners along that portion of the street will be required to park on the opposite side of the street during certain phases of construction because they will be cut off from their garage. Also since the new sidewalk on Third St. would be on the west side of the street, and these residents are not impacted by the

walkway issues, they would have to endure this hardship to resolve an issue that does not directly affect them.

3. Each property owner has the expectation of a certain amount of privacy in his/her back yard and the expectation that the back of their house is not directly exposed to a secluded public area that may be used for illicit entry of their yard or house or for other illegal activities. The HOA also has the right to expect that the landscaping within its common area will be secure and relatively free of damage. As it has turned out the public aspect of the walkways have apparently been used to top and even remove trees belonging to the HOA, to improve the view of property owners outside of the Claron Glen Subdivision.
4. When individuals bought property along the west side of Third St. and Midland Way, they did so with the expectation that their landscaping and driveways would not be ripped up to satisfy the intent of an ordinance which allowed the walkways in lieu of a sidewalk on one side of the street that ultimately failed. This is a preservation of a property right to enjoy their yards without the threat of disruption and is beyond the control of the individual owners and the HOA.
5. Since Claron Glen is the only non-planned unit development subdivision that has walkways in lieu of sidewalks on one side of the street, granting this variance will not set a precedent and will not be detrimental to the intent of the Land Development Code. The proposed variance is the minimum required to resolve the issues addressed in the staff report dated November 17, 2000.

## **CONDITIONS OF APPROVAL**

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

1. To satisfy the provisions of the C, C, & Rs and the by laws of the Claron Glen Homeowners Association which require that the common areas be maintained "...to standards deemed 'Reasonable Standards of Maintenance' by the Brookings City Council or the Brookings Planning Commission.....", the Planning Commission sets the following standard for maintenance of the common areas:

"The common areas within the Claron Glen Homeowner Association ownership shall be maintained in a manner that enhances the common use and enjoyment of the property owners within the subdivision."

## **RECOMMENDATION**

Staff recommends **APPROVAL** of Case File No. VAR-2-00, based on the findings and conclusions stated in the staff report and subject to the conditions of approval listed above.

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

**Claron Glen Homeowners Association  
P. O. Box 413  
Brookings, OR 97415**

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

## **Claron Glen Findings**

**SUBJECT: Request of variance**

**To Whom It May Concern:**

In 1990 South Coast Lumber Co. planned Claron Glen Subdivision Phase I. Phase I which is bordered on the east by Brookings Meadow Subdivision, the north by Brooke Lane, the west by the west side of Third Street, and the south by Hassett Street. In lieu of sidewalks on both sides of Third Street internal walkways (common areas) were created. Public access to these common areas was allowed.

This has led to serious contention between some neighbors in Brookings Meadow Subdivision and Claron Glen homeowners. Because of the public access to these areas some Brookings Meadow residents have topped or felled numerous Leyland Cypress trees. These trees are the sole property of the Claron Glen HOA and were originally planted by South Coast Lumber Co. They have attained considerable growth (15 to 20 feet). They provide privacy and security to the homeowners whose lots lie adjacent to the common area between Claron Glen Subdivision and Brookings Meadow Subdivision. The topping and felling has greatly reduced the privacy. There is some argument regarding unwanted individuals utilizing these internal walkways for possible criminal intent. With the exception of the above mentioned tree damage no such events have occurred.

Almost without exception the walking in these walkways is by one individual who is a Brookings Meadow homeowner. Many non-residents walk in Claron Glen either on the present sidewalks or the streets, but not in the internal walkways, and 90% plus walk solely in the streets.

If a sidewalk on the west side of Third Street was constructed much mature existing landscaping, many underground watering systems and driveways would be impacted. The homeowners on the west side of Third Street have strongly objected for the above reasons, plus the cost involved.

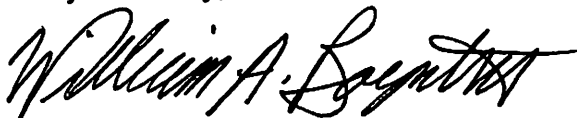
For these reasons the Claron Glen HOA is requesting a variance in lieu of constructing the above sidewalk. We respectfully request the closing of the internal walkways (common area) to public access. The original planning of Phase I in this regard has proven to be a mistake which has led to unfortunate dissention between some Brookings Meadow Subdivision



homeowners and Claron Glen homeowners. We hopefully feel this solution will bring resolution to this unforeseen mistake.

For the Claron Glen HOA,

Very sincerely,

A handwritten signature in black ink, appearing to read "William A. Boynton". The signature is fluid and cursive, with the first name "William" being the most prominent.

William A. Boynton  
President

November 9, 2000

**TO:** City Staff

**FROM:** Leo Lightle, Community Development Director

**SUBJECT:** Individuals asserting that the Building Codes do not define "fence" so therefore you use the definition in the dictionary

Community Development Department



## Memorandum

**DATE:** November 28, 2000

The flaw in the rationale is that the Uniform Building Code clearly states under purpose: "to promulgate a state building code to govern the construction, reconstruction, alteration and repair of buildings and other structures and the installation of mechanical devices and equipment therein, and to require the correction on unsafe conditions caused by earthquakes in existing buildings . . ."

*Structure* in the Uniform Building Code is defined as:

Structure is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Under Section 111.1 of the Uniform Building Code Exceptions:

1. Structural
  - 1.17 . . . fences not over 6 ft. high . . .

The scope of the code is to regulate construction that is artificially built up or composed of parts joined together in some definite manner. Fences under 6 ft. high are listed under structural under the exemption to permit section. It seems clear that with the scope defining construction, reconstruction, alterations of building and other structures . . . and defining structures, that landscaping is not a fence under the Uniform Building Code.

**RECEIVED**

DEC 4 2000

Wayne Robinson  
949 Helen Lane  
Brookings, OregonCITY OF BROOKINGS  
COMMUNITY DEVELOPMENTBrookings City Planning Commission  
898 Elk Dr.  
Brookings, Oregon

After reading the variance proposal it seems that the City of Brookings and Clarion Glen think their subdivision is on an island. I would beg to differ. There are 8 properties in Brookings Meadows subdivision that back on the public walkway. We have just as valid though much abused property rights.

The abuse of our property rights comes from the City of Brookings refusing by accident or design to enforce the 6 foot fence and evergreen planting laws concerning the cypress trees in the public walkway behind our homes. Those trees were planted as a fence and barrier to block any view into the walkway. How else could you infer that with the tree trunks all less than 2 feet from our properties and less than 10 feet apart; especially with the planting of bushy fast growing trash trees.

#### WHY DOESN'T THE CITY ENFORCE THE LAW ON THESE TREES?

It could very possibly be that the City of Brookings by not enforcing the law has left itself open to Measure 7 claims by property owners that have damage caused by these trees.

While the city may admit that the walkway idea was a mistake and writing it off will be the best solution, I beg to differ. Why should the residents of the west side of Helen Lane be forced to live with a solution that only benefits Clarion Glen. Clarion Glen Homeowners Association has been less than cooperative in the maintenance of the area even with city oversight. If the area is closed and maintained is left to the satisfaction of the Clarion Glen Homeowners Association, what are their standards, and what if their satisfaction is an overgrown mess?

The Clarion Glen Homeowners may say otherwise but their past actions put their sincerity in doubt.

Having lived in a home where one of those trees was allowed to grow un-maintained, I think the Clarion Glen Homeowners do not know what they are dealing with. The tree is located in the front yard of the home at 709 Pioneer Road. It is 80-90 ft. high with a combined girth at ground level of 5-6ft. Dia. It also has very invasive roots that have ruined the yard. Trees like this planted 2 ft. from the property line can be nothing but trouble. If allowed to grow un-trimmed and un-topped, as I am sure the Clarion Glen Homeowners Association will let them to provide a screen, these trees will become a serious hazard.

All of the Clarion Glen Homeowners who have their properties backing on the walkway have fenced it off from their yards. One or two have gates into the walkway but most have abandoned the area. Our neighbors backing us have been very good about keeping the area clear but they are the exception. With reports of prowlers and catching people smoking marijuana in the walkway closing the area will only make it worse. With no city supervision

and failing maintenance westside Helen Lane residents only recourse to prevent property destruction and crime will be civil legal means.

Clarion Glen Homeowners complain about the cost of installing sidewalks and that Richard Caulkin is the main walker in the public walkway. Since he is the main person who uses my front sidewalk is it OK if I remove my sidewalk?

The cost of installing sidewalks is a one time expense and pales in comparison to the cost of our endless civil litigation that will be necessary to keep our property rights intact.

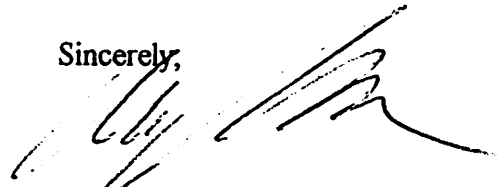
Since the proposed variance gives the Clarion Glen Homeowners financial relief from city supervised maintenance and require no installation of sidewalks to compensate for the loss of the walkway, clear favoritism seems to be shown.

While I can sympathize with the Clarion Glen Homeowners problem, they knew of the situation when they built or bought. A one-sided solution to the admitted mistake is no solution at all and can only cause more dissension between neighbors.

For my part I would like to see the walkway continue, the cypress trees removed, and maybe westside Helen Lane residents could help maintain the walkway. I personally would contribute to the maintenance of the walkway. With this solution former contentious neighbors could work together with a common goal.

**THE VARIANCE SHOULD BE DENIED AND THE CYPRESS TREES REMOVED!**

Sincerely,



Wayne Robinson

**RECEIVED**

DEC 1 2000

TO: The Planning Commission and City of Brookings  
DATE: November 7, 2000

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

RE: Planning Commission meeting 11/07/00 Agenda Item: Staff Proposal for Claron Glen Subdivision – relief from internal walkway requirement for maintenance (Phase I)

The Brookings Meadows homeowners have serious concerns regarding the proposed elimination of the City's requirement to enforce maintenance guidelines in Claron Glen Phase I walkways.

The proposed action will allow Claron Glen to determine what future maintenance will enhance the walkway area for property owners in Claron Glen.

The proposed action does nothing to mitigate current or future impacts to the property owners in Brookings Meadows subdivision. Seven Brookings Meadows homeowners adjacent to the Phase I walkway, and four homeowners across the street are being impacted by the following:

- 1) Safety and trespass with criminal intent.
- 2) Long term tree maintenance at the property lines, including cypress, pine, redwood and maple trees.
- 3) Lost aesthetic value, including ocean views that existed prior to planting cypress, pine, redwood and maple trees in the walkway.

In the past the City did not give Claron Glen clear, detailed, written maintenance guidelines. Brookings Meadows has tried to cooperatively develop maintenance agreements with Claron Glen, but without success. Last year Brookings Meadows officially brought the unresolved issues to the City and Claron Glen in a meeting at the City Hall. As a result, the City required Claron Glen to trim cypress trees growing through existing fences, vertically prune branches extending across property lines (preventing construction of fences, in some cases), and remove branches preventing walkway use.

This past year, the trees have responded to being cut vertically, nearly in half, by growing five feet taller. This growth will continue year after year. The impacts to landowners on Helen Lane have not been eliminated. As the trees mature it will become impossible to vertically maintain branches at property lines.

Brookings Meadows Homeowners have had the City as its ally for assuring future maintenance of these trees by Claron Glen. If the proposed relief is approved, Brookings Meadows will have no future influence with Claron Glen to continue to maintain the trees.

Brookings Meadows will have to live with this problem created by Claron Glen until Claron Glen feels obligated to do something. The 1999 tree trimming significantly impacted Claron Glen's architectural budget. It is clear Claron Glen is not interested in spending any money maintaining these trees. Nor will they agree to top or remove them.

Most Brookings Meadows homeowners plan to live out their lives on their properties. At maturity, these trees will grow to 50-70 feet in height. There is a mature cypress tree which was planted in 1954, like those planted in the internal walkway, at 709 Pioneer Lane. Please take a look at this tree. It towers over the adjacent house and yard. The trunk girth is about the width of a car.

The Brookings Meadows homeowners' feel the City is obligated to ask Claron Glen for answers to the following questions, if this proposal is approved:

1) How does Claron Glen propose these trees be maintained next year, because Brookings Meadows homeowners will call them to trim the tree growth again? How will they maintain the trees at 30 feet? 50 feet?

2) What will Claron Glen allow their own homeowners to do when the cypress, redwood, and pine trees grow through fences and into Claron Glen backyards? Will Claron Glen owners also remove such problem trees for Brookings Meadows owners?

The proposal states that the walkways in Phase I were "a grand experiment that did not work and there does not appear to be a feasible way to undo what has been done other than writing it off as a mistake". Brookings Meadows disagrees. If the walkways revert to common area for the benefit of the Claron Glen homeowners, the trees impacting homeowners in Brookings Meadows should be subject to mitigation and removal.

Sincerely,

Timothy and Nancy De Mond  
957 Helen Lane

RECEIVED

DEC 1 2000

Date: June 7, 1999

To: Helen Lane Residents  
From: Tim & Nancy De Mond  
Subject: Update on Cypress Trees

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

On Friday May 14<sup>th</sup> Tim met with Al Francis (President of Claron Glen Homeowners Assoc.), Bill Boynton (President of Claron Glen Architectural Committee) and Ken Burns (who we think is the Secretary of the Claron Glen Homeowners Assoc.) to discuss the inputs received from all of the Helen Lane Residents. Please see the sheet of recommendations attached. Each of the Helen Lane residents' recommendations was discussed during a walk down the common area. The majority of vertical pruning at the property line was under contract with their current landscape company. However, tree removal and/or a specific height for topping cypress trees remained unresolved issues. Some Claron Glen homeowners don't care but others remain very sensitive to removal or topping of trees.

On Friday June 4<sup>th</sup> Tim had a follow-up conversation with Al Francis. Al had previously met with the Architectural Committee, and as many Claron Glen residents as possible, to discuss Helen Lane residents' recommendations. Al stated, at this time Claron Glen is observing minimal compliance with the City requirements based on a poll of numerous homeowners. It was made clear that all of the vertical cypress tree growth at the common area boundary, approximately 74 trees, is now under contract to be removed at Claron Glen's expense. At this point in time, there is no consensus on tree removal or horizontal tree topping. Al suggested that tree topping might have to be resolved on a neighbor to neighbor basis. In the near future, there will be an official Claron Glen Homeowners Assoc. meeting to finalize their position on these issues. After this meeting, Claron Glen will write a letter to the City of Brookings stating their final decisions. Al will give Tim a copy of the letter and Tim will forward a copy to Helen Lane residents.

Vertical trimming at the property line has already occurred at our lot. Discussions with the landscapers have indicated that they are mowing about 60 lawns a week, and this is the busiest time of the year for them. They will do their best to complete the trimming on remaining lots as soon as possible.

Regards, Tim and Nancy De Mond



### **General Scope of Work**

Prepared by Tim De Mond for Claron Glen Homeowners' Association  
May 11, 1999

Helen Lane homeowners recommend the following actions be taken with the cypress trees located in the Claron Glen common area. Al Francis (phone number 469-5574) will contact each homeowner at a later date to prepare a detailed scope of work and schedule.

**Timothy and Nancy De Mond**

**957 Helen Lane**

**412-1922**

- Remove all or every other cypress tree, or trim to a 6-ft. hedge
- Remove pine tree planted at the property line
- Vertically trim cypress, the entire tree height, at property line
- Selectively trim tops of highest horizontal growth by 3-ft. (to 2<sup>nd</sup> story deck elevation)

**James S. (Scott) and Cynthia Hall**

**953 Helen Lane**

**469-9124**

- Trim lower limbs in-and-behind fence in common area (pushing against wood fence)
- Remove low brush at fence line to improve air circulation and moist condition

**Wayne and Helen Robinson**

**949 Helen Lane**

**469-0232**

- Remove cypress or trim to a 6-ft. hedge
- Vertically trim cypress, the entire tree height, at property line

**Owen and Bonnie Coleman**

**945 Helen Lane**

**469-7319**

- Remove cypress or trim to a 6-ft. hedge
- Vertically trim cypress, the entire tree height, at property line
- Remove brush at ground level adjacent to fence as it poses a safety hazard

**Richard and Pat Calkins**

**941 Helen Lane**

**469-0477**

- Remove cypress or trim to a 6-ft. hedge
- Vertically trim cypress, the entire tree height, at property line
- Remove brush at ground level adjacent to fence as it poses safety hazard
- Note: Trees that are not properly trimmed (creating an unbalanced condition), may be uprooted in strong winds

**Melba Spotswood****937 Helen Lane****469-5013**

- Remove all or every other cypress tree, or trim to a 6-ft. hedge
- Vertically trim cypress, the entire tree height, at property line

**Judy Baker****933 Helen Lane**

- Unable to contact

**Eunice Broyles****929 Helen Lane****469-5388**

- Remove cypress or trim to a 6-ft. hedge
- Cypress roots extend into existing flower beds preventing digging and planting
- Vertically trim cypress, the entire tree height, at property line
- Note: Claron Glen homeowners and contractors have been extremely nice about previous maintenance

**Charles and Helen Starkey****925 Helen Lane****469-1237**

- Remove all or every other cypress tree, or trim to a 6-ft. hedge
- Vertically trim cypress, the entire tree height, at property line
- Remove lower brush and limbs as it poses a hiding place and a safety hazard

cc: Tom Weldon

John Bischoff

Helen Lane Residents

**RECEIVED**  
DEC 1 2000

Date: May 8, 1999  
To: Helen Lane Residents  
From: Tim and Nancy De Mond, 412-1922  
Re: Meeting summary and maintenance requirements

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

Homeowners of Helen Lane properties adjacent to the Claron Glen common area met with representatives of Claron Glen and the City of Brookings on May 5, to discuss our request to remove the cypress trees in the common area. Claron Glen has been discussing the problems associated with the cypress trees for several years, including: total and/or partial tree removal; tree relocation; and ongoing maintenance. It is recognized that these trees are fast growing and pose an ongoing financial maintenance burden to Claron Glen.

Clarification was given on several issues, per the City of Brookings:

- 1) Al Francis, President of the Claron Glen Home Owner Association, (phone number 469-5574), will coordinate the removal of unwanted tree growth posing a hazard to existing fences through the Architectural Committee.
- 2) Al will coordinate the removal of tree limbs preventing installation of new fencing.
- 3) Hazard from rope anchors used to support existing trees will be eliminated.
- 4) Brookings has no view protection Ordinance, and Claron Glen homeowners are very sensitive to tree topping.

It was agreed that Al Francis (Claron Glen), John Bischoff (City), and Tim De Mond (Helen Lane) would meet in the next week to walk the common area and review each property maintenance needs. Tim would specifically address maintenance needs associated with the 957 property.

Any eventual need to relocate or remove trees that pose future hazards will be addressed as time and financial requirements allow by Claron Glen Homeowners Association.

One or two representatives of Helen Lane will be invited to attend a future Claron Glen Homeowner meeting when common area maintenance issues are planned for discussion.

Al requested other Helen Lane property maintenance needs to be identified on an owner-to-owner and property-to-property basis. In this regard, Nancy and Tim plan to meet with each of the Helen Lane homeowners adjacent to the common area to develop a general scope of work required at each property. This information will be presented to Al Francis, a representative of the Claron Glen Architectural Committee, and John Bischoff during next weeks meeting. Al Francis will complete future development of detailed scope of work, cost, and scheduling with each homeowner.

**RECEIVED**  
DEC 1 2000

Date: May 5, 1999

To: Claron Glen Home Owners Association  
From: Helen Lane Residents  
Re: Cypress trees in adjacent common area

CITY OF BROOMING  
COMMUNITY DEVELOPMENT

Thank you for your time to address concerns of the Helen Lane homeowners. The cypress trees located in the common area in-between Helen Lane and the Claron Glen subdivision need to be removed for the following reasons:

- 1) Planting cypress trees 2 to 3 feet from the rear property line along Helen Lane lots has created a hazard to existing fences. It creates an ongoing, significant maintenance expense. Property owners are not able to bear the ongoing physical effort and expense required to restrict unwanted tree growth into Helen Lane properties.
- 2) Existing cypress trees extend 3 to 4 feet over the property line at 957 Helen Lane preventing installation of a fence.
- 3) These trees constitute a hazard, as hiding places for those with criminal intent.
- 4) The width of trees from limb to limb will eventually surpass the width of the access area if left untrimmed. Lower limbs will eventually have to be removed to allow required access as a common area.
- 5) Rope anchoring currently in use to provide support to existing trees is causing a public safety hazard.
- 6) The shade resulting from maturing untrimmed trees reduces sunshine requirements for both fruit trees and vegetable garden areas.
- 7) The invasive surface roots of these trees present significant problems to install fence posts, and to maintain raised vegetable garden beds.
- 8) Due to the height of the cypress trees, Helen Lane property values are being reduced by the loss of ocean views.
- 9) The expense of removing the trees now, is less than what long term maintenance costs will be for the Claron Glen subdivision.

Helen Lane residents appreciate the attention to these concerns by Claron Glen subdivision. Timothy and Nancy De Mond have been asked to respond to your comments and would appreciate a response by June 4, 1999. Their telephone number is 412-1922. At that time, Helen Lane residents request an opportunity to sit down with the Claron Glen Homeowners Board to discuss options for resolving the concerns mentioned above. Thank you again.

**RECEIVED**  
DEC 1 2000

December 1, 2000

Planning Commission  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

SUBJECT: Request for variance, Claron Glen Subdivision Homeowners Association

We have read the proposed variance and the prepared Final ORDER and Findings of Fact prepared for the Planning Commission. If the Commission approves the variance requested by Mr. Boynton on behalf of the Claron Glen Homeowners Association, we request a condition be added to the variance which requires removing Cypress trees that are impacting the land use of homeowners in Brookings Meadows.

The variance as proposed and the ORDER as written do not address the **real problem**. **The real problem is the Cypress trees and their continued impact on Brookings Meadows homeowners' use of their land.** Approving the variance will not solve this problem. Claron Glen Homeowners Association has a responsibility to be accountable, and to deal with problems these Cypress trees are causing to adjacent landowners.

**Please imagine what our future will be like if the Cypress tree problem is not addressed.** Where there was once a beautiful ocean view, now is a solid wall of Leyland Cypress trees. At maturity, they are over 50 feet tall and 20 feet wide. Our property values are less because we no longer have an ocean view. The tree branches are growing into and through our fences. Their invasive roots have crowded out our own landscape plants. Our yard plants are not growing because the invasive Cypress roots are robbing them of water and nutrients. The breadth of these trees has shaded our fruit and vegetable gardens from sunshine to the point they no longer will bear fruit. The base of the tree trunk is approaching the width of a truck, fences are being pushed over, and the tree trunk is now several feet from the back of our homes. The trees are so tall and wide that continuing to cut them back only spurs on more growth . . . We are not kidding about this future scenario, just imagine that we are talking about the property where you live.

Brookings Meadows homeowners have been trying for years to impress upon Claron Glen Homeowners the extent of damage these trees are doing, and will continue to do, to our property. Mr. Boynton's request for a variance states the problem is posed by use of the common walkway by one Brookings Meadows homeowner, which has led to the serious contention between neighbors in the two subdivisions. Mr. Boynton did not state the real contention is the Cypress trees and the problems they are causing the residents of Brookings Meadows.

**Please take a short walk with us down Memory Lane.** The original Brookings Meadows homeowners objected to planting of the Cypress trees when they were first being planted around 5 years ago. At that time, the majority of the common area had already been planted with ornamental shrubs and trees. The "privacy screen wall" of Cypress trees was planted later to provide additional screening to the satisfaction of current Claron Glen homeowners' desire for more privacy.

Current Brookings Meadows homeowners began a collective effort to request that the Cypress trees be removed back in December 1998, when 10 homeowners signed a request to the Brookings City Manager (T. Weldon). In May 1999, we sat down with Claron Glen (A. Francis, B. Hagbom), the city (J. Bishoff, T. Weldon), and other homeowners to address our concerns for maintenance of the Cypress trees. Mr. Hagbom admitted planting the Cypress trees in the common area had been a mistake, and there was nothing he could do about it. Claron Glen had not maintained the common area, and Brookings Meadows requested the Cypress trees be removed due to their considerable growth (15-20 feet). It was only when Brookings Meadows asked the City to step in and require Claron Glen to do maintenance were Cypress trees impacting adjacent owner properties dealt with (see Attachment 2, past communications with the City regarding the Cypress tree problems).

Due to the high maintenance costs involved, chances are Claron Glen will not voluntarily do maintenance again.

**Please consider what we are dealing with in the present.** Recently, two Felony Criminal Mischief I charges were made against Brookings Meadows homeowners over these trees.

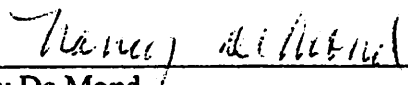
Two days later, three suspicious characters were caught in the act while looking into a Brookings Meadows homeowner's windows. These suspicious characters had hidden in the cypress trees and gained access to a Helen Lane homeowner's rear porch through use of the common area. Mr. Boynton argues in his request for a variance that no events of unwanted individuals utilizing these internal walkways for possible criminal intent has occurred. Now it has. The Cypress trees allow much hidden cover for persons of criminal intent and they have focused on Brookings Meadows homeowners, not Claron Glen homeowners. Removal of the Cypress trees would take much of the available hidden cover out of the area for undesirables to hide.

We have provided (Attachment 1) our comments on the variance proposal. Our comments support that a hardship exists for Brookings Meadows homeowners by the Cypress trees in the common area. This hardship is not recognized by Mr. Boynton's proposal for a variance. **The real problem is the Cypress trees.** If removal of the Cypress trees is a condition for the variance, there will no longer be an "unfortunate dissention between some Brookings Meadow homeowners and Claron Glen homeowners". As Mr. Boynton states in his variance request, "We hopefully feel this solution (variance) will bring resolution to this unforeseen mistake". Mr. Boynton knows that the only thing that will remove contention between neighbors is removal of the Cypress trees.

The hardship is not addressed in the Commission's ORDER. **If the Commission approves a variance, we request the Commission add a condition to the variance requiring removal of Cypress trees which are impacting Brookings Meadows homeowners' property value and use.** The trees would be identified with input from Brookings Meadows homeowners.

We also request the Commission consider delaying this decision on a variance until the impacts are determined on devaluation of property values under OR Measure 7 requirements.

  
 \_\_\_\_\_  
 Timothy De Mond

  
 \_\_\_\_\_  
 Nancy De Mond



## Attachment 1

**We request the Planning Commission staff consider these comments to their analysis, findings, and conclusions on Variance File No. VAR-2-00, Item No. 8.2.**

**Background Information**

The Cypress trees in the common area along Brookings Meadows homeowners were not planted in 1990 when the first phase of Claron Glen was "planned". The Cypress trees were planted later, after the original landscape plantings, as a "privacy screen" for current residents of Claron Glen. The trees were planted an average of 8 feet apart, less than 3 feet from Brookings Meadows property lines. The Cypress trees were intentionally planted this way so homeowners in Claron Glen would not have to "look at homes in Brookings Meadows subdivision". These trees grow up to 4-5 feet a year, and are now 25 feet tall making them around 5 years old. In another 5 years they will be 40 feet tall.

When Brookings Meadows homeowners bought their property, they had expectations just like Claron Glen Homeowners. They expected to enjoy an ocean view. They expected to landscape and garden without hardship in their own yards. They did not expect these rights to be ripped away to satisfy the intent of a city ordinance for Claron Glen. The common walkways became a problem when Claron Glen made the decision to improperly plant and place Cypress trees in a situation where they impact adjacent property uses.

**Analysis**

**Criteria 1.** An Exceptional Circumstance has been determined met as being "beyond the control of Claron Glen Homeowners", in that the impact of the common area was not known when lots were bought or the Homeowners Association was formed. This created a hardship to Claron Glen property owners by the destruction of privacy.

The argument to meet an Exceptional Circumstance does not recognize that while Claron Glen couldn't know the impact public walkways would have at the time of "planning", Claron Glen knew later when they "planted" the walkways there would be impacts on adjacent owners. **Claron Glen is responsible for making decisions in the past on the selection and planting of trees inappropriate to the common walkway area.** Their decisions have caused impacts and maintenance costs associated with Cypress trees planted adjacent to Brookings Meadows properties. Brookings Meadows homeowners will continue to deal with the hardship posed from growth and maintenance of the Cypress trees. Claron Glen Homeowners had the option to select plants conducive to the setting. At the time the Cypress trees were planted, Brookings Meadows homeowners expressed dissatisfaction with the trees and their placement near the property line. Brookings Meadows owners offered to replace the Cypress trees with something more appropriate. Ultimately Claron Glen made their decision, for their own benefit, without concern for the hardship the Cypress trees placed on Brookings Meadows.

Criteria 2. The Preservation of a Property Right is determined to be met through the expectation that Claron Glen homeowners have the right to privacy in their backyard, their backyard is not exposed to a public area, and common area landscaping will be secure. This means "Claron Glen Homeowners have come to like the view out their back door of a wall of trees, which serves to screen their view from looking at the homes in back of them". They don't expect to give up that view.

This argument for Claron Glen homeowners' preservation of property rights is met by giving their property rights priority over Brookings Meadows rights. **Brookings Meadows homeowners have a right to a preferred view, just as Claron Glen does.** Brookings Meadows owners should also be allowed their view. They should be allowed to landscape and garden in their own yard without hardship from invasive adjacent plantings selected by Claron Glen. **Claron Glen places a continuing hardship on Brookings Meadows homeowners from an associated property devaluation through loss of their ocean view.** The new requirements under OR Measure 7 include reimbursement to a landowner when a land use changes and results in property devaluation.

Criteria 3. The Affect on City Ordinances is determined to be met by the failure of a City ordinance as a creative experiment, and reason that Claron Glen should not be made to endure the results of the failure.

The argument that Claron Glen homeowners should not have to deal with the consequences of their past actions does not relieve **Brookings Meadows homeowners of continuing to have to endure Claron Glen's failure.** For years, the Cypress trees will continue to grow 4-5 feet every year, impacting our quality of life, and invading our property rights and use of our land.

Criteria 4. The Minimum Variance is determined to be met by privatizing the common area and restricting anyone other than a Claron Glen homeowner from access to it. **We disagree this is the minimum that will resolve the problems discussed above.**

The argument that this variance is only about access to the common area is not supported completely. **The Cypress tree plantings are a problem, and will continue to be a problem for Claron Glen and Brookings Meadows if they are not removed.** Claron Glen has refused to recognize a reasonable standard for height of the Cypress trees. Removal of the Cypress trees is an option to resolve the Minimum Variance criteria.

## Conclusions

**Conclusion #1.** Establishment of the common area prior to residents buying property in both Claron Glen and Brookings Meadows has created impacts for both subdivisions. While it is true the circumstance and hardship posed by the common area are beyond the control of Brookings Meadows, it is not beyond the control of Claron Glen to resolve the impacts. Claron Glen was responsible for contracting out the decisions for plant selection and placement. This variance could have been avoided had Claron Glen acted in a responsible manner, addressing the impacts to owners in Brookings Meadows when they chose to plant the "privacy screening wall" of Cypress trees.

**Conclusion #3.** Property owner expectations over privacy and exposure and viewshed should be met through maintenance of land rights and property uses. Claron Glen is asking for rights to privacy, use, and view; so should these rights be expected for Brookings Meadows. Land rights and property uses should not be extended to one subdivision at the impact of another. This would constitute favoritism; something that homeowners living in Claron Glen and who also work as public servants should not determine.

**Conclusion #4.** This conclusion states, "... the preservation of Claron Glen property rights to enjoy a yard without threat of disruption, and which is beyond the control of the individual owners". The statement is made for the impact to Claron Glen homeowners if sidewalks were to be installed in lieu of the walkways. The conclusion should recognize that the decision that Claron Glen made in applying the ordinance was beyond the control of Brookings Meadows homeowners. The preservation of Brookings Meadows property rights was disrupted when Claron Glen elected to select and plant Cypress trees in the common walkways.

Will Claron Glen homeowners end up being the victim, through satisfaction of an ordinance they themselves entertained, which ultimately failed them? **It would not be proper for the Commission to allow Claron Glen to avoid the consequences of their past actions, and allow Brookings Meadows homeowners to bear the consequences of Claron Glen's failure.**

**RECEIVED**

NOV 28 2000

Edgar E. Henke  
769 Lisa Lane  
Ashland, OR 97520

NOVEMBER 26, 2000

CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT

BROOKINGS City Planning Director,

WE THE UNDERSIGNED DO HEREBY  
SUPPORT THE APPLICATION PROVIDED BY  
WM. A. BOYNTON, CLARON CHEN HOMEOWNERS  
ASSOCIATION REQUESTING FOR A VARIANCE  
TO THE EXISTING CLARON CHEN SUBDIVISION,  
TO DENY PRIVATE ACCESS TO INTERNAL  
WALKWAYS AND NOT PROVIDE SIDEWALKS  
ON BOTH SIDES OF THE STREET.

Thank you

Edgar E. Henke  
Mickey Linder  
735 BROKE LAKE  
BROOKINGS, OR 97415  
412-3309

**RECEIVED**  
NOV 28 2000

November 28, 2000

To: The Brookings City Planning Commission  
From: Richard Calkins, 941 Helen Lane, Brookings, OR  
Re: TESTIMONY FOR PUBLIC HEARING, December 5: Claron Glen  
Application for a Variance

Dear Commissioners:

This is to ask that you **DENY the Claron Glen application** for a variance -- on grounds that are implicit and explicit in this testimony.

For three years, I've been reporting to the City staff that the Claron Glen Subdivision's (Leyland Cypress) fence (less than three feet from my property) should be removed or maintained at six feet because: 1) It was never approved by the City Engineer as required by the Commission; 2) It is antithetical to the Commission's approval of a safe public pathway in lieu of sidewalks on both sides of the Phase One streets; 3) The fence is "illegal" - specifically, a violation of the City's ordinance establishing the Building Code. (See Exhibits A-I.)

**THEREFORE**, this is to formally **request** that the Commission ENFORCE THE BUILDING CODE ORDINANCE by requiring Claron Glen to remove the 70+ tree Leyland Cypress fence or keep it maintained below six feet AS A CONDITION FOR GRANTING ANY VARIANCE. (Of course, the enforcement should also take place if the variance is denied.)

For three years, I've been asking the City staff to enforce the subdivision agreement requiring the five-foot wide pathway in the common area (referred to as a "jogging path" at the Commission hearing). On November 1, Mr. Blodgett informed me that the Commission erred by failing to provide Claron Glen guidelines for protecting public access. On November 2, Mr. Bischoff informed me that the agreement for a five-foot pathway for public access was a "verbal agreement" at the time of the approval of the subdivision. (That's what he had been telling me all along - and the basis for my repeatedly requesting the City to enforce the agreement.)

**THEREFORE**, this is to formally **request** that the Commission deny the variance and instruct the City staff to enforce the subdivision agreement with respect proper maintenance **OR** - in lieu of public access to the common area -- require Claron Glen to install sidewalks that were omitted when the Commission granted the developer the option - and which are **REQUIRED BY CITY ORDINANCE** when an alternative is not approved by the Commission.

**ADDITIONAL ARGUMENTS:**

I contend that Claron Glen has acted in bad faith by failing to keep its commitment to the City. (For example it has refused to give anything but lip service in response to Mr. Bischoff's letter to Claron Glen dated June 23, 1999. See ATTACHMENT #1.) It is inappropriate to reward bad faith with favors - and unrealistic to expect Claron Glen to properly maintain the area without specific City guidelines. (It's difficult even to get Claron Glen to obey the law. E.g. I had to phone the fire department this Summer because Claron Glen had failed to remove weed patches higher than 12 inches by August.)

I contend that the City INCREASES its liability rather than decreasing it -- if the Commission adopts the staff's recommendation.

I contend that the citizens of Brookings especially need the Commission's careful consideration of the variance request due to the conflict of interest of Mayor Hagbom. (As a member of the Claron Glen Homeowner's Association, Mr. Hagbom has financial and other vested interests in these issues. And the Mayor has a great deal to say about whom the City employs and what the tasks of those employees shall be.)

I contend that the City staff's recommendation for the variance exhibits favoritism toward the Mayor's homeowners association while failing to provide anything to satisfy the just petition of the Helen Lane Homeowners Association. (See ATTACHMENT #2.)

**EVIDENCE:** The following exhibits pertain to the "illegality" of the Leyland Cypress fence.

Exhibit A: The City requires a building permit for fences erected over six feet in height.

Exhibit B: The City defines fence as per Webster's Third International Dictionary, copyright 1986.

Exhibit C: There are many types and examples of fences. To a mid-westerner, "fence" connotes "white picket." To a Texan, "fence" connotes "barbed wire." That doesn't mean all fences must be white picket and/or barbed wire. In fact, the dictionary takes the **common characteristics of all fences** into consideration with its definition. The two types of fences above are hardly a sight barrier. But the City of Brookings Development Code acknowledges that a fence might be a sight barrier. Section 8.010 reads: "'Fence, sight-obscuring' A fence, wall or evergreen planting arranged in such a way as to

obstruct vision." The most interesting thing about the City's definition of one type of fence is that - in the adoption of its Development Code - **the City of Brookings also acknowledges that a FENCE may, indeed, be an EVERGREEN PLANTING.** Thus, it is unreasonable for the City to continue to maintain that Claron Glen's fence is not a fence, on the grounds that it is an evergreen planting rather than a picket fence painted white or barbed wire strung between poles - or some other specific example of a fence that may come to someone's mind when the word "fence" is mentioned. And it is especially unprofessional for a City staff member to argue that Claron Glen's fence is not a fence when the City Development Code illustrates that one type of fence is a sight-obscuring evergreen planting.

Exhibit D: FENCE DEFINITION: "1 archaic... 2a: a **barrier** intended to prevent escape or intrusion **or to mark a boundary.**"

Exhibit E: BARRIER DEFINITION: "1 obs... 2: a **material object or set of objects that separates**, keeps apart, **demarcates** or serves as a unit or barricade."

Exhibit F: BOUNDARY DEFINITION: "1: something that indicates or fixes a limit or extent: something that marks a bound (as of a territory or a playing field): a bound or separating line."

Exhibit G: HEDGE DEFINITION: "1a: a fence or boundary formed by a **row of shrubs or low trees planted close together...** b: any fence or wall **marking a boundary or forming a barrier...** 2a: a line or array forming a **barrier** or marking a **boundary.**" **Please note that a hedge is a TYPE of fence - according to the dictionary that is part of the Brookings Building Code.**

Exhibit H: SPITE FENCE: "an unsightly fence or wall that serves no useful purpose, is so constructed as to be an injury to adjoining property, and is erected and maintained maliciously for the purpose of injuring a neighbor (as by obstructing unreasonably his air, light, or view)."

Exhibit I: NATURE of LEYLAND CYPRESS: The attached documents serve as evidence of the importance of the City's doing its duty to provide me and my neighbors equal protection under the law rather than continue to act with favoritism on behalf of the Mayor's homeowner's association.

CC: Attorney John Babin

ATTACHMENT #1

60

## CITY OF BROOKINGS

898 Elk Drive  
Brookings, Oregon 97415  
Phone (541) 469-2163  
Fax (541) 469-3650  
cityhall@brookingsor.org

The Home of Winter Flowers



June 23, 1999

Alvin K Francis  
McMurray and Sons, Inc.  
P.O. Box 1254  
Brookings, OR 97415

Re: Your undated letter received by the city June 8, 1999

Dear Al:

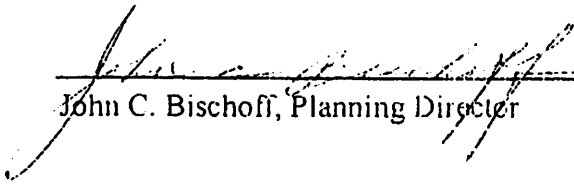
Thank you for the letter stating the HOA's intentions regarding the walkways and their maintenance. Early last week Mr. Calkins asked if I would walk through the area with him which I did on June 15. On this walk he pointed out what I would consider to be legitimate concerns in several places within the walkways as follows:

- Places where the path narrows to the point that a walker must push the shrubs or trees aside to get by.
- Limbs that have been cut from trees in a manner that they protrude from the trunk and are not obvious and thus posed a hazard of being walked into.
- Places where ground cover almost completely blocked the walking path.
- One location where a property owner has braced a tree by placing a rope across the walkway to a metal stake which is bent and creates a hazard.
- No provision for steps have been made at the end of the walkway onto Brooke Lane.

I realize that some or all of these items may be on your list for correction and just have not been completed at that time.

If you have any questions or need further information please call me at (541) 469-2163, Ext. 237.

Sincerely,

  
John C. Bischoff, Planning Director

cc: Tom Weldon, City Manager  
Bob Hagbom, Mayor  
Richard Calkins



December 7, 1998

Mr. & Mrs. Owen Coleman  
945 Helen Lane  
Brookings, Oregon 97415

Mr. Tom Weldon, City Manager  
Brookings, Oregon

Dear Mr. Weldon:

This is the cover letter for the attached petition that we recently circulated to some homeowners on our street. What we are asking the City to do -- and some of our rationale -- is specified in the petition.

Since we (and neighbors) have made reasonable efforts to communicate with the leadership of the Claron Glen Homeowners Association -- without success -- we must turn to you for assistance. Our requests for maintenance of the area in question were rebuffed by the President, Mr. Ken Burns -- as exhibited by the letter we received from the association's attorney -- a copy of which is attached. Please note that the letter even goes so far as to forbid our setting foot on the property, regardless of the association's agreement with the City. (We have previously discussed the situation with, John Bishoff, who offered to help us.)

Furthermore, it has come to our attention that a City ordinance prohibits fences over six feet tall. The planting of the cypress as a fence is a violation of that ordinance. (The dictionary defines a fence as a "barrier" along property lines. By planting the cypress so close together and so close to the property line, it clearly constitutes a barrier, hence, a fence.) Indeed, in a phone conversation with Mr. Burns earlier this year, he acknowledged that the purpose of the cypress was to create a fence. He called it a "wall." (Pursuant to the ordinance, the previous owners of our home were allowed to keep the fence trimmed below six feet.)

If, as one neighbor maintains, the plan for the Claron Glen "common area" was never approved by the City Engineer -- as required by the City -- that is an additional reason for the City to act upon our requests.

We are the contacts for the Brookings Meadows Homeowners Association with respect to this matter. We look forward to hearing from you; and -- on behalf of the citizens on our street -- we thank you for attending to the City's responsibility for correcting the unfortunate landscaping, grading and maintenance errors.

Respectfully yours,

*Owen Coleman Bonnie Coleman*  
Owen and Bonnie Coleman, 469-7319

DEC 04 1998  
1:55 pm

To: Brookings City Manager  
From: Undersigned Brookings Meadows Home Owners  
Re: Claron Glen Adjoining Common Grounds

It is our understanding that the City approved the Claron Glen Homeowner's Association "Common Area" between our homes as a public walkway in lieu of sidewalks on both sides of the development, east of Third street. This is to request that the City require the association to maintain the area as a public walkway and to remove the cypress trees that have been planted in this area. The area has become virtually impassable in places, and hazards under foot are also abundant. The very fast growing cypress constitute the primary obstacle to the public's safety when walking on this property because they are planted close together and the lower limbs grow to a length of 25 feet. The cypress also constitute a danger as a hiding place for those with criminal intent. According to one of our residents, the current president of the association has described the purpose of planting the cypress trees as being to "wall out" the residents of Helen Lane. We believe such a use of this property is a violation of the agreement with the City. The planting of this type of tree within three feet of Brookings Meadows private homes has created a threat to our property (e.g. fences) and a maintenance aggravation/expense of great proportions. We also request that the City require the association to install stairs on the steep and dangerous slope at the northernmost part of the walkway, where it meets the sidewalk. (I.e. The approval of the cypress and the omission of the stairs in the plan requiring approval by the City Engineer was an oversight which we ask you to correct.)

Name	Address	Date
John W. Key	940 Helen	12-3-98
Bonnie J. Coleman	945 Helen	12-3-98
Owen S. Coleman	945 Helen	12-3-98
Sam Brown	944 Helen Lane	12-4-98
Mrs. Brown	944 Helen Lane	12/4/98
Helen J. Robinson	949 Helen Lane	12-3/98
Wayne F. Robinson	949 Helen Lane	12/3/98
Cynthia A. Hall	953 Helen	12/3/98
Timothy A. Almond	957 Helen Lane	12/6/98
Wendy A. Almond	957 Helen Lane	12/6/98

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Name

Address

Date

Jacqui McMillen	940 Helen	12-3-98
Robert H. Allen	941 Helen Ln.	12-7-98
Bob Coobins	941 Helen Ln.	12-7-98
James J. Boyles	929 Helen Lane	12-7-98
Paul R. Thomas	905 HELEN LANE	12-7-98
Nedine M. Thomas	905 Helen Ln	12-7-98

**108.3 Tests.** Determination of equivalence shall be based on design or test methods or other such standards approved by the building official. The building official shall be permitted to accept as supporting data to assist in this determination duly authenticated reports from BOCA Evaluation Services, Inc., ICBO Evaluation Services, Inc., SBCCI Public Safety Testing and Evaluation Services, Inc., and National Evaluation Services, Inc., acceptance documents from the U.S. Department of Housing and Urban Development or from other approved authoritative sources for all materials or assemblies proposed for use which are not specifically provided for by this code. The cost of all tests, reports and investigations required under these provisions shall be paid by the applicant.

## SECTION 109 MODIFICATIONS

**109.1 Practical difficulties.** When there are practical difficulties involved in carrying out the provisions of this code, the building official may grant modifications for individual cases. The building official shall first find that a special individual reason makes the strict letter of this code impractical and that the modification is in conformity with the intent and purpose of this code and that such modification does not lessen health, life safety and fire safety requirements.

## SECTION 110 LIABILITY

**110.1 Relief from personal responsibility.** (Not adopted by the State of Oregon.)

## SECTION 111 PERMIT

**111.1 Permit required.** A permit shall be obtained before beginning construction, alteration or repairs, other than ordinary repairs, using application forms furnished by the building official. Ordinary repairs are nonstructural repairs and do not include addition to, alteration of, or replacement or relocation of water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring, or mechanical or other work for which a permit is required by the building official.

### Exceptions:

1. Structural items, designated as follows, in or appurtenant to one-family dwellings and which do not encroach over subsurface disposal systems or into required yards are exempt from permits and fees in this code:
  - 1.1. Retrofitted insulation;
  - 1.2. Concrete slabs;
  - 1.3. Driveways and sidewalks;
  - 1.4. Masonry repair;

- 1.5. Porches and decks, where the floor or deck is more than 30 inches (762 mm) above grade; where the edge of the porch, deck or floor does not come closer than 3 feet (914 mm) to property lines;
- 1.6. Patio covers, not over 120 square feet (11 m<sup>2</sup>) area;
- 1.7. Painting;
- 1.8. Interior wall, floor or ceiling covering;
- 1.9. Nonbearing partitions, except when such partitions create habitable rooms;
- 1.10. Shelving and cabinet work;
- 1.11. Gutters and downspouts;
- 1.12. Nonhabitable small accessory buildings not over 120 square feet (11 m<sup>2</sup>) or a height of 10 feet (3048 mm) measured to the highest point;
- 1.13. Door and window replacements (where no structural member is changed);
- 1.14. Replacement or repair of siding not required to be fire resistant;
- 1.15. Reroofing, except in wildfire hazard zones as provided in Section 325 or where replacement repair of roofing does not exceed 30 percent of the required live load design capacity and is not required to be fire resistant;
- 1.16. Plastic glazed storm windows;
- 1.17. Except for barriers around swimming pools required in Appendix B, fences not over 6 feet high (1829 mm); and
- 1.18. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge (ORS 455.310).

2. Electrical. To replace light bulbs, fluorescent tubes, approved fuses, or to connect approved portable electrical equipment to permanently installed and properly wired receptacles. See also ORS 479.540(14).

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

**111.2 Permit application.** Any owner, contractor, or other authorized agent who desires to obtain a permit shall first make application to the building official.

**111.2.1 Valuation.** The determination of value or valuation under any of the provisions of this code shall be made by the building official. The value to be used in computing the building permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

**111.2.2 Plan review fees.** When a plan or other data is required to be submitted by Sections 111.1 and 112, a plan review fee shall be paid at the time plans and specifications are submitted for review.

## EXHIBIT B.

### SECTION 201 GENERAL

**201.1 Scope.** Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings indicated in this chapter and in Chapters 12, 30 and 40.

**201.2 Interchangeability.** Words used in the present tense include the future; words in the masculine gender include the feminine and neuter, the singular number includes the plural and the plural, the singular.

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the adopted model building, fire prevention, mechanical, gas or plumbing codes, such terms shall have the meanings ascribed to them as in those codes.

**201.4 Terms not defined.** Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's *Third New International Dictionary of the English Language*, Unabridged, Copyright 1986, shall be considered as providing ordinarily accepted meanings.

ATTACHED APR 1993 ED.

### SECTION 202 GENERAL BUILDING DEFINITIONS

**ACCESSORY STRUCTURE.** A building, the use of which is incidental to that of the main building and which is located on the same lot.

**APPROVED.** Approved refers to approval by the building official as the result of investigation and tests conducted by him or her, or by reason of accepted principles or tests by nationally recognized organizations.

**APPROVED AGENCY.** An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the building official.

**BALCONY (Exterior).** An exterior floor system projecting from a structure and supported by that structure, with no additional independent supports.

**BASEMENT.** That portion of a building which is partly or completely below grade (see "Story above grade").

**BUILDING.** Any one- and two-family dwelling or portion thereof, which is used or designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, and shall include structures accessory thereto.

**BUILDING, EXISTING.** A building erected prior to the adoption of this code, or one for which a legal building permit has been issued.

**BUILDING OFFICIAL.** See ORS 455.715(1).

ORS 455.715(1) is not a part of this code but is reproduced here for reader's convenience:

**455.715 Definitions for ORS 455.715 to 455.740.** As used in ORS 455 to 455.740, unless the context otherwise requires:

(1) "Building official" means a person charged by a municipality responsibility for administration and enforcement of the state building in the municipality.

**CARPORT.** A carport is a structure used to shelter a vehicle having no enclosed sides above, and is entirely open on two or more sides.

**CEILING HEIGHT.** The clear vertical distance from the finished floor to the finished ceiling.

**COURT.** A space, open and unobstructed to the sky, located on or above grade level on a lot and bounded on three or more sides by walls or a building.

**DECK.** An exterior floor system supported on at least two sides by an adjoining structure and/or posts, piers or other independent supports.

**DWELLING.** Any building which contains one or more "dwelling units" used, intended, or designed to be built, rented, leased, let or hired out to be occupied, or which is used for living purposes.

**DWELLING UNIT.** A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, sanitation.

**FAMILY.** An individual, two or more persons related by blood, marriage or law, or a group of not more than any five persons living together in a dwelling unit. Servants having common housekeeping facilities with a family consisting of an individual, or two or more persons related by blood, marriage or law, or a part of the family for this code.

**FIRE SEPARATION, EXTERIOR FIRE EXPOSURE.** The distance in feet (mm) measured from the building to the closest property line, to the center line of a street or highway or to an imaginary line between two buildings on the property.

**GRADE.** The finished ground level adjoining the building at all exterior walls.

**GRADE-FLOOR WINDOW.** A window located such that the sill height of the window is not more than 44 inches (1118 mm) above or below the finished grade adjacent to the window.

**GRADE PLANE.** A reference plane representing the level of the finished ground level adjoining the building at all exterior walls.

**GREENHOUSE.** An enclosed detached accessory structure consisting primarily of light-transmitting materials and exclusively for growing plants.

8.010

## BROOKINGS DEVELOPMENT CODE

8.010

**"Family"** An individual; or two (2) or more persons related by blood, marriage, legal adoption or guardianship, or a group of not more than five (5) unrelated persons living together in a dwelling unit.



**"Fence, sight-obscuring"** A fence, wall or evergreen planting arranged in such a way as to obstruct vision.

**"Findings"** Written statements of fact, conclusions and determinations based on evidence presented in relation to the decision approval criteria and accepted by the review body in support of a decision.

**"Flag lot"** A "panhandle" shaped lot or parcel with its widest area set back some distance from a road and having a thin strip of land connecting to a road to provide legal access.

**"Floodplain"** The land within the city subject to a one percent chance of flooding in any given year.

**"Floodway"** That portion of a floodplain and river channel that is necessary to conduct the waters of the base flood without cumulatively raising the water level more than one (1) foot.

**"Floor area"** The area included in the surrounding walls of a building, or portion thereof, exclusive of vent shafts and courts.

**"Frontage"** That portion of a parcel of property which abuts a dedicated public street or highway.

**"Garage or carport"** A permanently constructed building with covered roof available for the parking of a motor vehicle.

**"Grade (ground level)"** The average of the finished ground level at the center of all walls of the building. In case a wall is parallel to and within five (5) feet of a sidewalk, the ground level shall be measured at the sidewalk.

**"Group living"** Shall mean more than five (5) persons unrelated by blood or marriage residing together in a dwelling unit.

produces large  
spermatozoa  
maleness; see SEX  
nains in a female  
bodies and that  
mosomes charac-  
CLEUS

nee]: a mistress  
program

wife, female, fr.  
\fem\ : WIFE  
2 law : WOMAN

hime con-verte  
mos couvertes  
— distinguished

emerell, fumerel,  
fumarium vent,  
open structure on  
tion : LOUVER

sole \-m(z)'s-\  
d state — distin-  
ed woman acting  
state

le] 1 : belonging  
asian minerals in-

E-al] : FEMININE

gas womanly (fr.

minie, fr. MF, fr.  
world of women  
MEN (when a man  
selfishness on the  
go)

feminine, fr. MF  
female + -inus  
male breast, ON

L. *felare* to suck,  
pitiful, Gk *thēlys*

basic meaning:  
embers of society)

of or appropriate

ich are especially  
ides, or qualities

specif : receiving  
al showing a mix-

es) 3 : belonging  
er that ordinarily

oms referring to  
m of an adjective)

ER 4 of a sign of  
e (beginning with

an unstressed and  
bic verse with a ~

ug on a weak beat  
EMALE

feminin, feminine,  
~ of all the ages

ction, articles, and  
d Moore); specif  
charming ~s and

femoral vein : the chief vein of the thigh c  
stitution of a con-  
tinuation of the popliteal vein that accompa  
artery in the upper part of its course and continues above  
Poupart's ligament as the external iliac vein

femor- comb form [NL, fr. L *femor-*, *femur* thigh] : femoral  
(*femorocoele*) : femoral and (*femorofibular*)

fem-o-ro-tibial index \femə(r)ō+ ... -\ n [*femoro-* +  
*tibial*] : the ratio of the length of the femur to the length of the  
tibia multiplied by 100 (compared the *femorotibial indexes* of  
fossil men and modern anthropoids)

femur \femə(r)\ n, pl *femurs* \-ə(r)z\ or *fem-o-ra* \fem-  
ərə\ [L] 1 : one of the three flat narrow spaces separating the  
grooves of a triglyph : SHANK 2 a : the proximal bone of the  
hind or lower limb that is in man the longest and largest bone,  
extending from the hip to the knee, articulating above with the  
acetabulum by a rounded head connected with the shaft of the  
bone by an oblique neck that bears a pair of trochanters for  
the attachment of muscles, and articulating with the tibia  
below by a pair of condyles — called also *thighbone* b : THIGH

3 [NL, fr. L] a : the segment of an insect's leg that is third  
from the body, is often enlarged, and constitutes the principle  
horizontal element b : MEROPODITE

fenn \fen\ n -s [ME, fr. OE *fenn* marsh, mud, dirt; akin to  
OHG *fenna* marsh, ON *fen*, Goth *fani* clay, Skt *pañka* mud,  
mire] : low peaty land covered wholly or partly with water  
unless artificially drained

fenn \- dial var of FEND

fenn \- also fan \fan\ or fin \fin\ or vents \ven(t)s\  
interj [prob. alter. of *fend*] — used as a ritual call by children  
esp. in certain games (as marbles) to prevent certain actions by  
an opponent or teammate or to exempt the first caller from a  
task or action

EXHIBIT D

fenn \fan\ or fan \fan\ n -s [Chin (Pek) *fēn*] : CANDAREEN 1  
fenagle var of FINAGLE

fence \fen(t)s\ n -s often attrib [ME *fens*, short for *defens* —  
more at DEFENSE] 1 archaic : a means of protection or  
security : DEFENSE (my whole body wanted a ~ against heat  
and cold — Jonathan Swift) 2 a : a barrier intended to pre-

vent escape or intrusion or to mark a boundary (large areas of  
range were put under ~): as (1) : a structure of posts and  
boards, wire, pickets, or rails commonly used as an enclosure  
for a field or yard (erected a ~ that was horse high, hog tight,  
and bull strong) (2) : something legally constituting an en-  
closure around land (as a bank of earth high enough to confine  
livestock) b : something resembling a fence in appearance or  
function (a teapot rimmed with a silver ~) (a ~ of mountains  
around the valley) (built a radar ~ across the continent)

: an immaterial barrier or boundary line (erected legislative  
~s to control the development of industrial and residential  
areas) (on the other side of the ~ in the argument) c (1) : an  
obstacle met in fox hunting that can be jumped (as a fence,  
hedge, brook, or chicken coop) (2) : an artificial obstacle on

the course of a steeplechase or horse show : JUMP d : FENC-  
ING 3 3 : FENCING 4 (books of ~) 4 a : a receiver of stolen  
property : a dealer in stolen goods b : a place where stolen  
goods are bought and sold 5 a : an attachment to a plane,  
saw bench, or woodworking machine that controls the location  
or extent of the cut — see BEADING PLANE illustration b : an  
attachment to a marking gauge that serves to guide the mark-

ing 6 : a projection on a lock forming an obstruction to  
throwing the bolt except when the gatings of the tumblers are  
properly arranged (as by the key) to allow the fence to pass  
7 : a means of political support for an officeholder, candidate,  
or institution : a political interest — usu. used in pl. (building  
his ~s for election as governor — *Springfield (Mass.) Daily*

closure)  
fen-chene \fē-  
OHG *fēnihh*  
FENNEL] : a  
obtained esp.  
fen-chol \-cl  
ALCOHOL  
fen-chone \-  
-one] : an oil  
camphor and  
optically diff.  
esp. in fennel  
that is used c  
bornane

fen-chyl alco  
: either of t  
hydrogenatic  
fenchyl alcol  
southern pin  
fen-ci-ble \-  
*defensable*, d  
a man a :  
country b :  
being defend  
3 : being of

fencible \-  
service and I  
U. S. during  
19th century  
fencing n -s  
more at FEN  
gaps between  
region (the  
used in build  
defense with  
scoring of a  
protective cl  
fencing pate  
or process a  
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**bar-ri-ter** \bär-ri-ter\ *n* -s [modif. of **OF** *barreter* to exchange] : an early form of radio detector operating by increased resistance when subjected to the influence of electric waves



barrettes

**bar-ri-cade** \bär-ri-kād, -kād also -er- \ *vt* -ED/-ING/-S [MF *barricader*, fr. *barricade*] 1 : to block off or stop up (as a street or passage) with a barricade esp. in order to prevent the advance of an enemy 2 : **blockade** (angry workers *barricaded* the narrow streets with furniture, carriages, and piles of lumber) 2 : to prevent access to by means of a barricade (*barricaded* myself behind my study door — Bentz Plagemann)

**barricade** \bär-ri-kād *n* -s [F, fr. MF, fr. *barricuer* to barricade, fr. *barric* barrel (a typical component of barricades, fr. dial. — Gascon — *barrica*) 1 -ade; akin to **OF** *barril* barrel] 1 a : an obstruction or rampart hastily improvised and thrown up across some way or passage (as in revolutionary street fighting) to check the advance of the enemy — usu. used in pl. (men, women, and children manned the ~s) b : material barrier or obstacle that prevents passage (a man behind a floor-to-ceiling concrete ~ was looking through a glass port-hole — Stanley Frank) 2 : a nonmaterial barrier or protective shield (sat stiff as a poker behind his flimsy ~ of silence — Claud Cockburn) (guarded by ~ legal ~s — W.P. Webb) 3 : a field of disagreement, dispute, or combat (would die upon the literary ~ of defending the noble proportions of "War and Peace" — Ellen Glasgow)

**bar-ri-ca-do** \bär-ri-kä-dō \ *vt* **barricaded**; **barricaded**; **barricadoing**; **barricadoes** also **barricados** [modif. of **F** *barricade*] *archaic* : **BARRICADE**

**barricado** \bär-ri-kä-dō *n*, *pl* **barricadoes** also **barricados** *archaic* : **BARRICADE**

**bar-ri-co** \bär-ri-kō \ *n*, *pl* **barricoes** also **barricos** [modif. of **Sp** *barrica*] : a small cask ; **KFO**

**bar-ri-er** \bär-ri-er \ also -er- \ *n* -s [MF *barrere*, fr. MF *barriere*, fr. *barre* bar] 1 *obs* : **BARRICADE**; *esp* : an outer defense to impede or stop an enemy 2 : a material object or set of objects that separates, keeps apart, demarcates, or serves as a unit or barricade (as a : the palisades that enclosed the lists in medieval tournaments — usu. used in pl. b (1) or **barrier beach** also **barrier bar** : a long narrow sandy island lying parallel to a shore and built up by the action of waves, currents, and wind — called also *offshore bar*; see **BARRIER ISLAND** (2) *sometimes cap* : an extension of the antarctic continental ice sheet into the sea resting partly on the bottom c : the gate where customs duties are collected at the boundaries of some European countries d : a railing or other separation between the station building and train platforms in some European countries with openings to permit the passage of arriving and departing passengers e (1) : **POTENTIAL BARRIER** (2) : a movable net or structure serving in an emergency to halt a landing airplane esp. on an aircraft carrier when the tail hook has failed to engage the arresting gear f : a porous partition (as a thin sheet of silver-zinc alloy from which the zinc has been dissolved out) used in electrolysis g *in packaging* : a flexible material that can be formed into a container preventing or limiting the entrance of moisture, retaining flavors or oils, and otherwise protecting its contents h : a solid usu. white or yellow warning line painted between traffic lanes of a highway 3 **barriers** *pl*, *often cap* : a medieval war game in which combatants fought on foot with a fence or railing between them — often used in the phrase *at barriers* 4 a : the starting point in an ancient racecourse b : the movable gate or device at the starting line in a modern racecourse which is opened to signal the start of a race 5 : something intangible or immaterial that acts as a barrier (as by impeding or separating) (psychological and social ~s to increased agricultural production — G.P. Witherley) (the ~ between the craft and scholarly traditions

**barrow** \bär-ow \ *n* -s [ME *barow*, fr. **OE** *bearg*; akin to **OHG** *barug* barrow, **ON** *bar* ; Russ *barov* barrow, **OE** *barren* to bore — more at **BORE**, male hog castrated before it reaches sexual maturity]

**barrow** \bär-ow \ *n* -s [ME *barow*, *barowe*, fr. **OE** *beawe* basket, handbarrow; akin to **OFris** *have* handbarrow, **LG** *berwe*, **ON** *barar* birr, **OE** *beran* to carry — more at **BEAR**] 1 a : **HANDBARROW** b : **WHEELBARROW** 2 : a cart with a shallow box body, two wheels, and shafts for pushing it : **PUSHCART** (street vendors pushing their ~s)

**barrow boy** also **bar-row-man** \bär-ow, -man \ *n* [**barrow** + *boy* or *man*] : **COSTERMONGER**

**bar-row-ist** \bär-ow-ist \ *n* -s *cap* [Henry Barrow or Barrowe 1593 Eng. church reformer + **IST**] : a follower of Henry Barrow, a founder of Congregationalism in England who was executed for nonconformity

**bar-row pit** \bär-ow, -bit \ *n* [by alter.] chiefly West : **BORROW PIT**; *esp* : a ditch dug along a roadway to furnish fill and provide drainage

**bar-row's goldeneye** \bär-ow, -raz \ also -be- \ *n*, *usu cap B* [after Sir John Barrow 1848 Eng. traveler and admiralty official] : a No. American goldeneye (*Bucephala islandica*) distinguished from the American goldeneye by the somewhat more crested head and white patch shaped like a crescent in front of the eye of the male

**bar-ru-let** \bär-ru-lét \ *n* -s [**Fr** + -ule + -et] **heraldry** : a diminutive of the bar usu. half as a fourth as wide

**bar-ru-ly** \bär-ru-lē \ also **bar-ru-lé** or **bar-ru-lée** \bär-ru-lē, -lā \ *adj* [ME *berle*, prob. modif. of MF *burellé*, fr. **OF** — more at **BURELLY**] **heraldry** : divided into a large number of horizontal bars

**bar-ry** \bär-ry \ *adj* [ME, fr. **AF** *barré*, fr. **OF** *barre* bar — more at **BAR**] **heraldry** : divided into an even number of horizontal bars of two tinctures arranged alternately

**bar-ry** \bär-ry \ *n* -rs [by shortening and alter.] : **BARRACUDA**

**bar-ry-bendy** \bär-ry, -bendē, -bär- \ *adj* [**barry** + *bendy*] **heraldry** : divided by bars and bends with tinctures alternate — see **BENDY**

**barry-nebuly** \bär-ry, -nebū- \ *adj* [**barry** + *nebuly*] **heraldry** : composed of bars having nebuly bounding lines — compare **HARRY-WAVY**

**barry-pily** \bär-ry, -pī- \ *adj* [**barry** + *pily*] **heraldry** : divided into equal piles arranged horizontally — see **PILY**

**barry-wavy** \bär-ry, -wāv- \ *adj* [**barry** + *wavy*] **heraldry** : divided into an even number of wavy bars — compare **BARRY-NEBULY**

**bars** *pl* of **BAR**, *pres 3d sing of BAR*

**bar-sac** \bär-sak \ *n* -s *usu cap* [fr. *Barsac*, dept. Gironde, France] : a white semisweet Bordeaux wine produced near the Garonne river in the department of Gironde, France

**bar screen** \bär- \ *n* [**bar**] : a screen or sieve with parallel uniformly spaced bars instead of wire mesh — see **GRIZZLY**

**bars gemel** or **bars gemels** *pl* of **BAR GEMEL**

**bar share** \bär- \ *n* [**bar**] : a plowshare welded to the landside

**bar shoe** \bär- \ *n* [**bar**] : a horseshoe having a flat piece across the usual opening at the heel to protect a tender frog from injury

**bar sight** \bär- \ *n* [**bar**] : a rear sight on a firearm consisting of a movable bar with an open notch or peep

**bar sinister** \bär- \ *n* [**bar**] 1 : a supposed heraldic charge widely believed to be a mark of bastardy 2 : the fact or condition of being of illegitimate birth (started with the initial handings of the *bar sinister* — G.D. Brown) 3 : an enduring stigma, stain, or reproach (as of improper conduct or irregular status) (the loyalty determinations presented a special situation involving the imposition of a *bar sinister* — N.L. Nathanson) (a number of the great universities still ignore ecology or accord it the *bar sinister* — *Amer. Naturalist*)

**bar soap** \bär- \ *n* [**bar**] : soap sold in the form of solid oblong cakes commonly for laundry purposes

EXHIBIT E



**bou-le-ward** \ˈbʊl.wərd, -vəd also ɪ- \ n -s [F, modif MD *bolwerk* — more at BULWARK] 1 a : a broad thoroughfare; esp : one more pretentious than an ordinary street or avenue often having grassplots with trees along the center or between curbs and sidewalks b : a grassed or landscaped strip in the center or between the curbs and sidewalks of a boulevard 2 : MOUSE GRAY

**2 boulevard** \ˈvi -ED/-ING/-s : to make into a boulevard : provide with boulevards

**bou-le-var-dier** \ˈbʊl.vərd.iə : ˈbʊl.vərdi(ə)r, ˈbʊl- \ n, pl **boulevardiers** \-yā(z), -i(ə)rz\ [F, fr. *boulevard* + -ier -er] : a frequenter of the Parisian boulevards : a sophisticated man of fashion; also : BON VIVANT, FLANEUR, TRIFLER

**boulevard light** n : a tall ornamental streetlight with a luminaire like a lantern at the top used chiefly on parkways and principal thoroughfares

**boulevard stop** n : a traffic stop required of vehicles before entering or crossing a through street

**boule-verse-ment** \bʊl.vərsə.mənt\ n -s [F, fr. MF, fr. *bouleverser* to overturn (fr. *boule* ball + *verser* to overturn, fr. L *versare* to turn, overturn + -ment — more at VERSATILE] : OVERTURNING, REVERSAL; also : CONVULSION, DISORDER

**-boullia** — see -BULIA

**-boulic** — see -BULIC

**boulimia** var of BULIMIA

**bouille** or **buhl** also **houle** \ˈb(y)ʊl\ n -s [after André Charles Bouille †1732 Fr. cabinetmaker] : inlaid decoration developed under Louis XIV by André Charles Bouille in which tortoiseshell, yellow metal, and white metal are inlaid in cabinetwork, forming scrolls or cartouches

**bou-lon-nais** \ˈbʊl.ə.nā\ n [F, fr. *boulonnais* of Boulogne, fr. *Boulogne*, seaport city in northern France] 1 usu cap : a French breed of very large quick-maturing draft horses 2 pl **boulon-naises** \-āz\ often cap : a horse of the Boulonnais breed

**boult** obs var of BOLT

**boul-ter** \ˈbʊlt(ə)r\ n -s [origin unknown] : a long stout fishing line to which many hooks are attached and which is used for bottom fishing esp. in deep water

**boul-ter-or** \-tə(r)\ n -s : one who fishes with a boulder

**1 bound** \ˈbʊn, ˈbaʊn\ chiefly dial var of BOUND

**2 bound** \ˈ\ var of BOWN

**1 bounce** \ˈbaʊn(t)s\ vb -ED/-ING/-s [ME *bouncen*, prob. of imit. origin] vt 1 obs : BEAT, BELABOR 2 a : to cause to rebound (~ a ball off a wall) : cause to be reflected (~ a light ray off a reflector) b : to throw about : handle violently 3 chiefly Brit a : to bluff or bully with big talk b : SCOLD, BROWBEAT 4 a : to discharge from a post or employ esp. peremptorily and unceremoniously (the old mess sergeant had been bounced on recommendation of the mess officer — H.H. Arnold & I.C. Eaker) b : to expel or eject esp. precipitately from a room or place or from membership or participation (if the college would only ~ him for something that wasn't too much his fault — Theodore Morrison) ~ vi 1 obs : to make a loud sudden noise : bang or knock loudly 2 : to strike and rebound (bouncing from rock to rock) (the ball will hardly ~ at all) (the car bounced all over the road) 3 : to recover from a blow or a defeat quickly or vigorously — usu. used with *back* 4 a of a check : to be returned by a bank as no good (as because of lack of funds) b : RECOIL, BOOMERANG (a tendency, which could ~ uncomfortably back on them, to come out and boldly blame the press for everything — Mollie Panter-Downes) 5 a : to leap or spring suddenly, violently, or noisily : BOUND (bounced into the room) (bouncing on his seat with ecstasy) b : to walk with springing steps 6 chiefly Brit : to talk big : BLUSTER, SWAGGER, BOAST SYN see DISMISS

**2 bounce** \ˈ\ n -s 1 obs : a heavy sudden often noisy blow or thump; also : the sound of an explosion : BANG 2 : a sudden leap or bound : a rebound esp. of a ball 3 : BLISTER, BRAG, SWAGGER; an impudent lie or boast 4 : LIVELINESS, RESILIENCE, VERVE (full of ~ and enthusiasm) 5 slang : a peremptory discharge or expulsion (he got the ~) 6 : a pronounced beat characterizing a style of playing jazz usu. in a medium or moderate tempo

**bounce-able** \-səbəl\ adj, now dial chiefly Eng : HUMPTIOUS, PUGNACIOUS — **bounce-ably** \-səbl̩\ adv

**bounce back** n [bounce back, v] 1 : ECHO, REFLECTION (locating submarines by the sonar bounce back) 2 : COMEBACK

**bounce pass** n : a basketball pass in which the ball is caromed off the floor

**bound** \ˈ\ vi with & Midland : BET, WAAGER — used chiefly in assertions and affirmations (I ~ you he'll like it)

**bound** \ˈ\ n -s [MF *bond*, fr. *bondir*] 1 : a leap or spring made easily and lightly (cleared the hedge at a ~) : one continuous series of such springs 2 : BOUNCE, REBOUNCE 3 : one of a series of relatively short movements by a military unit or by elements of it alternately from one preselected point on the ground to the next SYN see JUMP

**7 bound** \ˈ\ vi -ED/-ING/-s [MF *bondir* to leap, bound, reso. fr. (assumed) VL *bombitare* to hum, irreg. fr. L *bombus* : hollow sound — more at BOMB] 1 : to move with a springing leap or with a succession of springs or leaps 2 : REBOUNCE (an elastic ball ~s) : BOUNCE SYN see JUMP

**bound-a-ry** \ˈbaʊnd(ə)rē, rī\ n -ES [bound + -ary] 1 : something that indicates or fixes a limit or extent : something that marks a bound (as of a territory or a playing field) : a bound or separating line 2 cricket : a hit that sends the ball across the boundary 3 Midland : a tract of land esp. timber on it

**boundary condition** n, physics : a condition which a quantity that varies throughout a given space or enclosure must fulfill at every point on the boundary of that space esp. when velocity of a fluid at any point on the wall of a rigid container is necessarily parallel to the wall

**boundary layer** n : the region of retarded flow in a fluid (air) close to the surface of a body (as an airplane wing) which moves through the fluid or past which the fluid flows with retardation being greatest close to the surface of the body being due to viscosity of the fluid and its adhesion to the surface

**boundary light** n : any light used to indicate the limits of a landing area of an airport

**boundary marker** n : a usu. cone-shaped orange marker that indicates the boundary of an area available for the landing of an airplane

**boundary rider** n, Austral : one that rides around the boundaries of a station and keeps the fences in order

**bound bailiff** n [alter. (influenced by *bound*) of *bumbailiff*] : a bonded sheriff's officer who serves writs and makes arrests

**bound charge** n [*bound*] : the portion of the electrical charge on a conductor that because of the inductive action of a neighboring charge will not escape to the earth when the conductor is grounded

**bounded past of BOUND** archaic past part of BIND

**bound-ed-ness** n -ES : the quality or state of being bounded

**bounded noun** n [bounded fr. past part. of *bound*] : a noun (as *book*, *letter*, *window*) that in the singular is always accompanied by a determiner

**bound-en** \ˈbaʊndən\ adj [ME — more at BOUND] 1 archaic : BOUND : fastened by bonds : in bondage 2 archaic : obligated (as for a favor) : OBLIGED, BEHOLDEN (~ to political supporters) 3 : made obligatory : imposed as a duty : BIND (our ~ duty)

**1 bound-er** \-dɜ(r)\ n -S [*bound* + -er] archaic : BOUNDER

**2 bouncer** \ˈ\ n -S [*bound* + -er] 1 slang Brit a : DOGBASKET b : a 4-wheeled cab 2 chiefly Brit : a man of objectionable manners, taste, or other form of social behavior : OURS CAD (a big, jolly fellow, with a touch of the ~ about him — D.H. Lawrence) — often used in general disparagement (most offensive, the old ~ had been — Norman Douglas) 3 : a batted ball that bounces along the ground : GROUND BALL

**bound-er-ish** \ˈbaʊndərɪʃ\ adj : resembling or typical of a bouncer

**bounding** pres part of BOUND

**bound-ing-ly** adv : in a bounding manner

**bound-less** \ˈbaʊn(d)lɪs\ adj [*bound* + -less] : having boundaries or limits (~ ocean) (the ~ prairie) : IMMEASURABLE : VAST (~ heavens) : without restraining limits (~ joy) (~ optimism) — sometimes distinguished from *infinite* (a sphere's surface is ~ but not infinite in extent) — **bound-less-ly** adv

**bound-ness** n -ES : the quality or state of being bound

**bounds** pl of BOUND, pres 3d sing of BOUND

**bound up** adj : inseparably connected or associated (his career is bound up with the fortunes of the enterprise); also : d. involved : wrapped up (he is bound up in his family)

**bound variable** n [*bound*] logic : a variable occurring within the scope of a quantifier and so no longer available for substitution by a constant : an apparent variable

**bound water** n [*bound*] : water that is an essential component of various materials (as animal and plant cells or soils)

Scot : a grating in a millrace 4 a : a  
ame for controlling warp threads  
b : any of various attachments  
ping mills for guiding thread in textile

sm] : **HELL** 2 (that's the ~ of it) (~  
of a good fighter)

fōn\ n [G *heckelphon*, fr. Wilhelm  
instrument maker, its inventor + G  
dwind instrument of the oboe family  
w the normal oboe

m\ n -s usu cap [Isaac Thomas *Hecker*  
tholic clergyman + E -ism] : certain  
the adaptation of traditional beliefs to  
ern culture, the exaltation of natural  
rues, the preference for active rather  
he revision of traditional missionary  
erroneous by Pope Leo XIII — called

c,ka\ n -s [origin unknown] : POISON

ly dial var of **HACKLE**

ted; **heckled**; **heckling** \-k(ə)lɪŋ\  
fr. *hakell*, *heckele* *hackle* — more at  
E 1 2 a : to harass with questions,  
objections designed to embarrass and  
would gather in front-row seats and ~  
outs — E.J. Kahn) b : to interfere with  
hostile intent : meddle with so as to  
ire : **MOLEST** (*heckled* even by photog-  
flash bulbs as he was about to start —  
ned too hurried and *heckled* by her life  
lder children — John Dollard) **syn** see

**KWAIL**

-s : one that heckles (spoke forcefully  
ook easy care of ~s — J.D. Hicks)  
nōn\ n [*heconin* saponin found in the  
— fr. NL *Hectia*, genus name of *Hectia*  
as in *saponin*] + -genin] : a crystalline  
H<sub>42</sub>O<sub>4</sub> obtained from a desert herb  
many agaves and used in a synthesis of

em [F, irreg. fr. Gk *hecton* — more at  
*hectare*] (*hectograph*)

ti, -tīr\ n -s [*hectare* + -age] : area in

, -tīr\ n -s [F, fr. *hect* + -are] : a  
al to 100 ares or 10,000 square meters  
ble

N n [by alter.] : **HEXASTYLE**

Gk *hekstē*, fr. fem. of *hekstos* sixth, fr.  
:] : an ancient Greek coin worth 1/6  
coin of Phocaea and Lesbos

adj [alter. (influenced by L.L. *hecticus*)  
tyk *hectic* fever], fr. MF *etique*, fr. L.L.  
os habitual, habit-forming, consump-  
chein to have) + -itor -ic — more at  
TUAL, CONSTITUTIONAL, PERSISTENT;  
tuating but persistently recurrent (~  
ic of tuberculosis and septicemia)  
abituallly accompanying a hectic fever  
losis) 2 : marked by a hectic condi-  
fever : **CONSUMPTIVE** (a ~ patient)  
ality : **FLUSHED**, **RED** (he ~ color had  
impatient face — Harriet La Barre)  
itement, bustle, or feverish activity  
s after oil was discovered — Harold  
gh thirty different countries — Carveth  
— we couldn't even keep track of the  
aterial — N.O. Wahlstrom) — **hec-ti-**  
li\ adv

k, short for *fever etyk*] 1 : a hectic  
by a hectic fever; esp : **CONSUMPTIVE**

archaic var of **HECTIC**  
uality or state of being hectic

he-der or che-der also che-dar \ˈkədər, ˈkəd-  
rɪm \kəˈdārə-dər-, -rēm\ or ders \ˈkədərz, ˈkəd-  
[Yiddish *kheyder*, fr. Heb *hedher* re ~ a] : an elementary Jew-  
ish school in which children from about 7 to 13 years of age  
are taught to read the Pentateuch, the Prayer Book, and other  
books in Hebrew — compare **TALMUD TORAH**

hed-erā \ˈhedərə\ n, cap [NL, fr. L. ivy; perh. akin to L.  
*prehendere* to seize — more at **GET**] : a genus of Old World  
woody vines (family Araliaceae) usu. having palmate leaves  
but in adult form often becoming shrubby with unlobed leaves  
— see **IVY**

hed-er-a-gen-in \ˈhedərəˈjənɪn; ˈhedəˈraɪən-, -nēn\ n -s  
[ISV *hedera-* (fr. NL *Hedera*) + -gen + -in] : a crystalline  
triterpenoid saponin C<sub>30</sub>H<sub>48</sub>O<sub>4</sub> obtained by hydrolysis of  
hederin and other saponins (as from soap nuts)

hed-er-in \ˈhedərɪn\ n -s [ISV *heder-* (fr. NL *Hedera*, genus  
name of *Hedera helix*) + -in] : a crystalline antibiotic gly-  
coside C<sub>41</sub>H<sub>64</sub>O<sub>11</sub> active against fungi and bacteria that is  
found esp. in ivy — called also *alpha-hederin*, *helixin*

hedge \ˈheɪ\ n -s [ME *hegge*, fr. OE *hegg* akin to OE *haga*  
*hedge*, hawthorn, OHG *hag* *hedge*, *hedged-in* enclosure,  
*heckis* hedge, ON *hegg* bird cherry (tree), L. *caulae* sheepfold,  
*colum* sieve, W. *cac* field, Corn *kē* hedge, fence] 1 a : a fence or  
boundary formed by a row of shrubs or low trees planted close  
together (white farmhouses with faded red barns and fields  
bordered with ~s of green — Gordon Webber) b : any fence  
or wall marking a boundary or forming a barrier (the high  
stone ~ encircled the enclosure — A.L. Rowse) 2 a : a line  
or array forming a barrier or marking a boundary (pikemen  
... present a ~ of metal points from which any cavalry would  
flinch — Tom Wintringham) b : a protective or defensive bar-  
rier (regarded it as the main function of their existence to raise  
a ~ around the law — F.W. Farrar) 3 a : a means of protec-  
tion or defense — usu. used with *against* (proponents of using  
fluorides as a ~ against tooth decay — N.Y. Times) b : any of  
several means of protection against financial loss: as (1) : a  
bet made against the side or chance already bet on (2) : a pur-  
chase or sale made not primarily for income or profit but as  
protection against a known risk (realization that common  
stocks are the best ~ against inflation — C.E. Merrill) (3) : a  
purchase or sale of commodity futures made to offset the risk  
of loss from market fluctuations 4 : a statement so qualified  
or calculated as to be noncommittal or ambiguous (bureau-  
cratic literature ... festooned with ~s and qualifications  
— Fortune) 5 : **OSAGE ORANGE**

2 hedge \ˈ\ vb -ED/-ING/-S [ME *heggen*, fr. *hegge*, n.] vt 1 : to  
enclose with or separate by a hedge : fence with a row of  
shrubs or low trees planted close together (its modest lot is  
*hedged* by ... hibiscus — Frederick Simpich) 2 a : to enclose  
as if with a hedge : **ENCIRCLE** (meandering through an immense  
meadow *hedged* by forest — S.H. Holbrook) (a small dance  
floor crowded with couples and *hedged* with waiting men — Ed-  
mund Wilson) b : to surround so as to form a protective  
barrier : **GUARD**, **PROTECT** (remembered that no great divinity  
~s this sovereign — Graham Greene) c : to surround so as to  
prevent freedom of movement or action : **FENCE**, **REIN**, **RESTRICT**  
(the bulk and pressure of the rules that ~ him on every side  
— B.N. Cardozo) — often used with *about* or *in* (are *hedged*  
*about* with many special conditions, limitations, and restric-  
tions — F.L. Mott) (*hedged* themselves in with a thousand dos  
and don'ts — A.L. Kroeber) 3 : to obstruct with or as if with  
a hedge or barrier : **HINDER** (the difficulties which *hedged* all  
approach — D.G. Mitchell) 4 obs : to introduce and include  
within something larger or more important — used with *in* or  
*into* (when you are sent on an errand, be sure to ~ in some  
business of your own — Jonathan Swift) 5 a : to reduce or  
eliminate the risk of (a bet) by making a bet against the side or  
chance already bet on (is *hedging* its bets in the all-important  
diplomatic poker game — Newsweek) b : to protect oneself  
against financial loss from (were advising clients to ~ the im-  
minent inflation by buying farmland — Forer) 6 : to form  
into a hedge or barrier (ye are *hedged* on the borders of my  
path — Adah I. Menken) 7 : to qualify or modify so as to  
allow for contingencies or avoid rigid commitment (when he  
states a position, he is apt to ~ it round with careful qualifica-  
tions — Colin Brogan) ~ vi 1 : to plant or trim hedges  
2 a : to evade risk or responsibility by avoiding an open or

having a l  
hedgehog  
hedgehog  
arouse ave  
hedgehog r  
(as M. ech  
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EXHIBIT G

## EXHIBIT H - 10F3

neral body cilia that are uniform or variously reduced and  
ed into cirri and including the suborders Heterotricha,  
isotricha, and Hypotricha  
ro-trich-i-da \spīrō-'trikədə\ [NL, fr. *spir-* + *trich-* +  
-a] *syn of SPIROTRICHA*  
ro-tri-chous \(')spīrō-'trikəs\ *adj* [NL *Spirotricha* + E  
-ous] : of or relating to the Spirotricha  
rt var of SPURT  
rtlo vt [freq. of *spirt*] *obs* : SPATTER, SPLASH  
ru-la \spīr(y)ələ\ *n* [NL, fr. LL, twisted cracknel, fr. L  
-ra coil, twist + -ula — more at SPIRE] 1 *cap* : a genus (coex-  
istive with a family Spirulidae of the order Decapoda) of  
all cephalopods related to the extinct belemnites, having a  
any-chambered shell coiled freely in a flat spiral that is  
comparable to the phragmocone of the belemnite shell and  
most enveloped in the soft parts, and occurring in most tropic  
as usu. at great depths from which the shells float to the  
rface and are cast on beaches, although complete specimens  
the animal are rare 2 -s : a cephalopod of the genus *Spirula*  
ru-late \spīr(y)ələt, 'spīr- \ *adj* [prob. fr. (assumed) NL  
irulatus, fr. (assumed) NL *spirula* small coil (fr. LL, twisted  
acknel) + L -atus -ate] : spiral in form or arrangement  
ru-ra \spīrūrə\ *n, cap* [NL, fr. *spir-* + -ura] : the type  
mus of Spiruridae including various parasites of rodents  
ru-rid \(')spīrūrəd\ *adj* [NL *Spiruridae*, *Spirurida*] : of  
relating to the family Spiruridae or the order Spirurida  
ru-rid \(')n-s [NL *Spiruridae*, *Spirurida*] : a spirurid worm  
ru-ri-da \spīrūrədə\ *n pl, cap* [NL, fr. *Spirura* + -ida]  
an order of Aphasmodia comprising parasitic nematode  
orms with the esophagus cylindroid and not divided into  
ree regions, six lips, no buccal stylet, and the musculature  
olymyarian and including the guinea worm, the filarial  
orms, and other parasites of vertebrates that all have com-  
ex life cycles requiring an invertebrate intermediate host  
ru-ri-dae \-də\ *n pl, cap* [NL, fr. *Spirura*, type genus +  
-dae] : a family of nematode worms having the adults par-  
itic in vertebrates and larval stages in insects and with related  
rms constituting a distinct superfamily of the order Spirurida  
- see ASCAROPS  
ru-roid \-ū, rōid\ *adj* [NL *Spirura* + E -oid] : resembling  
related to the Spiruridae  
ruroid \(')n-s : a spiruroid worm  
ruy \spī(ə)rē, -rē\ *adj* [*spire* + -y] 1 : resembling a spire  
tall, slender, and tapering to a point : rising in a slender,  
pering form (~ grass) (~ trees) (~ turrets) 2 : abounding  
in spires (~ towns)  
ruy \(')adj [*spire* + -y] *archaic* : of a spiral form : curving  
coiling in spirals : CURLED, SERPENTINE, WREATHED (hid in  
ie ~ volumes of the snake — John Dryden)  
is-si-tude \spīsa,tid, -ə, tyld\ *n* -s [ME, fr. L *spissitudo*,  
- spissi- (fr. *spissus*) + -tudo -tude] *archaic* : the quality or  
ate of being thick, dense, or compact : DENSITY, VISCOSITY  
is-u-la \spīsalə, -īzə\ *n, cap* [NL, perh. irreg. fr. J. B. von  
pix †1826 Ger. zoologist] : a genus of surf clams that in-  
udes a large yellowish white thick-shelled clam (*S. solidissima*)  
at is the common edible surf clam of the eastern coast of No.  
merica  
pit \spīt, usu -id- + V\ *n* -s [ME *spite*, fr. OE *spitu*; akin to  
ID *spit*, *spet* *spit*, OHG *spiz* *spit*, *spizzi* pointed, feel *spita*  
eg, L *spina* thorn — more at SPIKE] 1 *a* : a usu. metal sta-  
onary or revolving slender pointed rod for holding meat and  
ther foods while cooking before or over a fire *b* *archaic*  
SWORD *c* *dial Brit* : a skewer on which fish (as herring) are  
ung to dry *d* : SPINDLE *ld* *e* : a steel rod on which drawn  
ire is wound as it leaves drawplates 2 *a* : a small point of  
nd commonly consisting of sand or gravel deposited by  
aves and currents and running into a body of water — com-  
are MAR 2d *b* : a long narrow shoal extending from the  
ore  
pit \(')vt *spitted*; *spitted*; *spitting*; *spits* [ME *spiten*, fr.  
pīte, n.] 1 : to thrust a spit through : fix upon a spit (over  
ie floor were spread the glowing embers of a fire; and across  
... were *spitted* four whole sheep — Oscar Handlin) 2 : to  
x as if with a spit : IMPALE (*spitted* him on a bayonet — Mack  
lorriss)

(embassies abroad could not do without their own  
doormen — N.Y. Times) (a full-time professional soldier, of the  
old spit-and-polish school — Evelyn Eaton)  
spitball \(')n 1 : paper chewed and rolled into a ball to b  
thrown as a missile 2 : a baseball pitch delivered after th  
ball has been moistened with saliva or sweat (sounded th  
doom of the ~ and other ... freak pitching deliveries — Spring  
field (Mass.) Republican) — called also *spitter*  
spit-ball-er \(')n -s : one that throws spitballs  
spitbox \(')n : SPITTOON  
spit bug *n* : SPITTLEBUG  
spitch-cock \spich,kək\ *n* [origin unknown] : an eel spi  
and grilled  
spitchcock \(')vt : to prepare as a spitchcock or in th  
manner of a spitchcock (~ an eel)  
spit curl *n* [prob. so called fr. its being sometimes plaste  
down with saliva] : a spiral curl that is usu. plastered on th  
forehead, temple, or cheek  
spite \spīt, usu -id- + V\ *n* -s [ME, short for *despite*  
1 *a* *obs* : an injury, hurt, or disgrace incurred or inflicted  
is a great ~ to be praised in the wrong place — Ben Jonson  
*b* *obs* : something that vexes : a petty annoyance 2 *a* : ofte  
petty ill will or hatred toward another accompanied with th  
disposition to irritate, annoy, or thwart : envious or rancoro  
malice (a little insignificant not really hate at all, but ~  
— C.D. Lewis) *b* : an instance of spite : an individual mal  
cious feeling : GRUDGE (a normal child has no ~ against wor  
until you have drilled one into him — C.E. Montague) *syn* s  
MALICE — in spite of *prep* : in defiance or contempt of (charge  
in spite of superior enemy forces) : despite adverse effects  
: in opposition to all efforts of (in spite of careful preparation)  
spite \(')vt -ED/-ING/-S [ME *spiten*, fr. *spite*, *n*.] 1 *obs* :  
regard with spite : DISLIKE, HATE 2 : to treat maliciously (~  
by shaming or thwarting) (children are still ready to ~ th  
older generation — E.H. Erikson) 3 *a* : to fill with spi  
*b* : ANNOY, OFFEND  
spite fence *n* : an unsightly fence or wall that serves no usef  
purpose, is so constructed as to be an injury to adjoining  
property, and is erected and maintained maliciously for t  
purpose of injuring a neighbor (as by obstructing unreason-  
ably his air, light, or view)  
spite-ful \spītəfəl\ *adj*, sometimes *spitefuller*; *sometim*  
spitefullest [ME, fr. *spite* + -ful] : filled with or showi  
spite : having or exhibiting a desire to vex, annoy, or inju  
: MALICIOUS, MALICIOUS (growing to hate the very sight of o  
another, becoming bitter, ~ jealous — W.H. Wright) (becau  
the present law is ~ — A.E. Stevenson †1965) — *spite-ful-*  
-fale, -li\ *adv* — *spite-ful-ness* *n* -ES  
spite-less \spītəls\ *adj* : lacking spite : not motivated by sp  
spite marriage *n* : a marriage entered into by one person  
vex a third person with whom he is in love  
spite of *prep* : in spite of (exert your freedom, *spite of* t  
world — C.W. Hendel)  
spite-work \(')n : trouble or injury inflicted as revenge f  
a real or fancied grievance  
spitfire \(')n [*spit* + *fire*, *n*.] 1 : one that emits fire (as  
volcano or a cannon) 2 : a quick-tempered, fiery, or violent  
emotional person  
spit in the ocean : poker in which each player is dealt a ha  
of cards facedown and combines them with cards faceup  
the table to make a poker hand; *specif* : a game in which ea  
player is dealt four cards, a fifth card is faced on the take, a  
the faced card and all others of the same rank are wild  
spit-ish \spīt-ish\ *adj* : SPITEFUL  
spit-kit also spit-kid \(')n 1 : ASHTRAY 2 :  
small ship (as a patrol boat)  
spits *pl* of SPRT, *pres 3d sing* of SPRT  
spit shine *n* : a very high gloss on a boot or shoe esp. wh  
partially obtained by the application of saliva  
spit shine *vt* : to apply a spit shine to (a boot or shoe)  
spit-stick \spīt,стик\ or spit-stick-er \-kə(r)\ *n* [*spitst*  
alter. (influenced by *stick*) of *spitsticker*, fr. D *spitssteker*,  
*spits* pointed (fr. MD, fr. MHG *spiz*, *spitze*, fr. OHG *spizzi*)  
*steker* graver, one that pricks or thrusts, fr. MD, joustier,  
*steken* to sting, prick, thrust + -er; akin to OHG *stehhan*

EXHIBIT H:

page 2

## EXHIBIT H: SPITE FENCE

The Claron Glen fence meets the definition of a spite fence in the following ways:

"Unsightly"

- Claron Glen's stated intention is to let the trees grow with no responsibility or schedule for maintenance - which will result in their being an eyesore.
- Planting so close to Helen Lane property that exercising our right to prune at the property line makes the fence look ugly.

"No Useful Purpose"

- It's unnecessary, the neighbors having fenced their yards.
- Not needed for ornamental purposes. Claron Glen has some beautiful ornamental trees and shrubs in the common area.
- Detrimental to ornamental trees: Claron Glen has been allowing the inexpensive fence to hurt its expensive ornamental trees and shrubs by growing over them, etc.

"Injury to Adjoining Property"

- The fence roots injure the trees, plants and gardens of neighbors.
- The fence damages neighboring fences.
- The fence height shuts out light to our trees, shrubs and lawns.
- The fence prevents us from using up to 2000 square feet of our property.
- As the Leyland Cypress grow quickly in height and width, the damages and dangers increase.

"Maintained Maliciously"

- Helen Lane property owners are required by Claron Glen to engage the expense and danger of pruning (at the property line) one of the largest and fastest growing trees in the world at 20, 30, 40, 50, 60, 70, 80 and above heights.

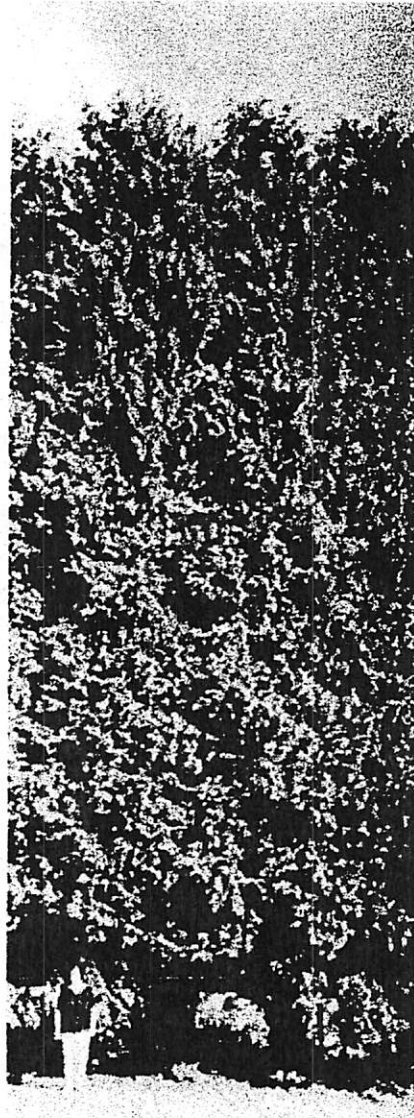
- The subdivision plan to substitute a public path for a sidewalk was opposed by former 941 Helen Lane owners.
- Claron Glen created permanent damage and an ugly appearance for Helen Lane homeowners by scalping the Leyland Cypress at the tree trunks.
- Claron Glen's president Burns told a Helen Lane resident that the fence was to wall us out.
- Since early 1999, the Claron Glen's Board of Directors has refused to meet with Helen Lane residents to reach an accommodation over our just grievances.
- The Claron Glen CC&R's show respect to homeowners by expressly forbidding such a hedge-fence over six feet in height; but disrespect Helen Lane homeowners by allowing it.

"Obstructing Unreasonably" (Air, light and view.)

- Claron Glen has consistently refused to acknowledge any rights of Helen Lane homeowners - except pruning at our property line -- repeatedly claiming, for example, that we have NO right to protection of our "light and view."
- Claron Glen's obstruction of our light and view is unreasonable because it has planted - and homeowners have the ability to plant - various trees to provide for more privacy than their six foot fence provides.

**LEYLAND CYPRESS HEDGE**  
Approximately 45 Feet Tall  
(50-75% of its Eventual Height)

Source: The Royal Forestry Society © John Morgan  
(<http://www.rfs.org.uk/totm/leyland.htm>)





## The Leyland Cypress

## Tree Roots

## Information for Hedge Victims

### Links to other pages

# The Leyland Cypress

*Cupressocyparis leylandii*

**This tree is responsible for much of the high hedge nuisance at present being suffered. The reason it causes so much trouble is that it grows so quickly. Young trees almost always grow at 1 metre a year.**

It is widely chosen for hedge planting because it can produce an effective hedge in three to five years, because it will grow in virtually any soil and because it is indifferent to pollution and exposure, but few people, who buy it, understand that it will grow into an uncontrollable 'beanstalk'.

The nurserymen push it because they can grow it easily and therefore sell it cheaply, and in enormous numbers. More recently the Supermarkets, and other large retail outlets, have also realised how much profit is to be made out of the Leyland Cypress. Many of these do not scruple to stress those qualities which appeal to the city dweller's craving for privacy, but only a few of the more responsible of these organisations give equal weight to the fact that these same qualities



make it a potential source of distress to neighbours.

Controlling the tree soon becomes an onerous annual chore. If the trimming of the sides is neglected, for a short while only, it may be necessary, because of the rapid growth, to cut back into the old wood. This will leave ugly dead sticks which will never produce leaves again. The dry heart of the tree is extremely flammable and if it catches fire will burn like a torch. If planted close to a house these hedges constitute a fire hazard. If allowed to grow naturally, the tree is apt to lose lower branches in heavy snow, and this can result in tall, but very scruffy looking hedges.

At first glance the Leyland Cypress seems a God-given answer to lack of privacy in crowded urban society: a second glance reveals the prospect of vast areas of suburbia under dense high forest of over 30 metres.

### **Parentage**

The tree is a hybrid between the Monterey Cypress (*Cupressus macrocarpa*) and the Nootka Cypress (*Chamaecyparis Nootkatensis*). These trees are not closely related and their offspring are possessed of hybrid vigour to a remarkable degree. It grows faster than either of its parents, and promises to grow much higher than either.

The Monterey Cypress grows wild on only a mile or so of low cliffs near Monterey in California. The Nootka Cypress, a very hardy tree, grows on the slopes just below glaciers and snow from Alaska to Oregon. The two trees do not normally meet in their wild habitat.

### **History**

Six plants of the hybrid were first raised from the seed gathered from of a nootka in 1880. The parent tree is at Leighton Hall in Powys. They were sent in 1892 to Mr Leyland's estate in Haggerston Castle near Berwick, where all six still stand today among caravan holiday homes. This is the commonest form of the tree and has grey-green slender well-separated shoots. Another form arose, again in Leighton Hall, this time from seed gathered from a the Monterey Cypress. One of these still survives on the hill at Leighton Hall and in the early 1980s was 30 metres by 110 centimetres, (about 98 feet high). This form is called the 'Leighton Green'. It is a much brighter green. The finest shoots are closely set and broader and gives the tree a denser appearance than the 'Haggerston Grey'. This tree was the one first sold by Hilliers and so is the commonest in older gardens.

There is currently a specimen of the tree in a Pinetum in Kent which, when last measured, was over 150 feet high and still growing well.

Two golden forms have since been raised in Ireland. One, the 'Castlewellan Gold' came from a cone from a branch broken off a golden monterey cypress by the 1963 snows. The male parent was a golden Nootka which stood beside the Monterey. Whereas the 'Castlewellan' has foliage like the 'Haggerston', the foliage of the other golden form, 'Robinson's Gold' more closely resembles that of the 'Leighton Green'. Alan Mitchell observes in one of his tree books that 'Castlewellan Gold' should 'diversify the impending urban forests' as it grows about as fast as the green forms and was being planted 'with abandon'.



*Information derived from books by Alan Mitchell and from 'Conifers' Forestry Commission Booklet no 15, revised 1985.*

Clare Hinchliffe

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## Tree Roots

Generally tree roots do not penetrate to any depth in the soil.

'There is a popular misconception that the roots of a large tree growing under typical British conditions will penetrate to a depth of several metres. People refer to these as "tap roots" or "anchor roots".

Tree roots need to obtain water, nutrients and oxygen from the soil. These are usually most readily available near to the surface, and carbon dioxide produced by the roots disperses most readily here. As a consequence most roots are normally found in the upper 300 mm (2ft) or less.

On poorly drained clay soils in areas with a moderate or high rainfall all the roots of a large tree may be in the upper 300 mm (1ft) or less.

Roots will *sometimes* penetrate to a depth of 4 or 5 metres, but this is the exception rather than the rule; and even then the majority of roots are likely to be in the upper 600 mm.

All roots contribute to the moisture supply and stability of the tree. There is no distinction between what are often called "feeder roots", and "support roots". The uptake of moisture and nutrients takes place mainly through very fine hair-like roots at the ends of the smallest woody roots. Many of these fine roots may die back in the autumn and grow again in the next spring. These could be called feeder roots but would not include any roots more than 1mm in diameter.

The size of the root system is related to the amount of foliage which the tree supports, not just to the height or branch spread.



branch spread about 9 metres

main root spread about 12 metres

outer limit of root spread about 20 metres or more

*Taken from 'Leaflet No 6 1991' - The Arboricultural Association*




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### Hedgeline Contacts

The Current Political Situation.

### Court Cases and Related News Items

Information for Hedge Victims

### Homepage

The Campaign; Policy; Key Facts

### Regional Sub-Groups

Political & Legislative Moves before Aug. 2000

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Created on a Mac

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## The Royal Forestry Society

### Leyland Cypress: *X Cupressocyparis leylandii*

The Leyland Cypress has recently been cast in the role of the villain! This hybrid tree is now one of the commonest in Britain. Millions have been planted for quick-growing garden hedges.

A number of disputes between neighbours over boundary hedges of Leyland Cypress have hit the news recently and the Government has been asked to ban growing this vigorous hybrid for hedges. Too many are planted close to houses and soon produce problems with intense shade, root damage and even the possibility they may topple onto buildings.

The Government has responded by publishing the report of the Department of Environment study 'High Hedges: possible solutions'. It has also published a Summary of Responses to the Consultation Paper on the topic.

Hedgeline is an organisation founded to help people who are affected by unreasonably high hedges, often the result of neglect by neighbours. Leyland Cypress is the commonest species involved.



What the government  
proposes to do as  
reported by ITN on  
8/8/00



A hedge too far - Talybont,  
Wales

Copyright John Morgan

The Leyland Cypress is not found in the wild. It came about because man brought together two species from distinct genera of plants from different regions that would otherwise never have met. They interbred and produced this new vigorous hybrid.

Although hybrids occur quite frequently between closely related species, it is not often that a cross occurs naturally between trees of different genera.

The parent trees came from opposite ends of the Pacific coast of N. America - the resulting cross between a Monterey Cypress (*Cupressus macrocarpa*) from California and the Nootka or Alaska Cypress (*Chamaecyparis nootkatensis*). The original progenitors were growing close together in a tree collection in Park Wood, Leighton Hall near Welshpool, Powys, adjacent to what is now the Royal Forestry Society's Charles Ackers Redwood Grove and Naylor Pinetum.

The cross occurred when the female flowers or cones of Nootka Cypress were fertilised by pollen from Monterey Cypress. That took place in 1888 on the Leighton Estate near Welshpool, Powys. The two parent species would never have met in the wild as their natural ranges are 1000 miles apart.

The hybrid was named after C J Leyland, brother-in-law of the owner of the estate who took some of the

seedlings and planted them on his own land at Haggerston Castle in Northumberland. This first cross is sometimes known as 'Haggerston Grey' as its scale-like leaves are often grey at the base. It is the common form of the two crosses.

About 20 years later, a further cross occurred at Leighton Estate but the other way round when the cones of the Monterey Cypress were fertilised with pollen from the Nootka. The result of that cross was a second form, baptised "Leighton Green".

As a hybrid, these novel Leyland Cypress were sterile so all the trees we now see have resulted from cuttings originating from those few plants.

Several different forms or clones now exist including the golden "Castlewellan" one which originated from a single mutant tree in the arboretum of that name in Northern Ireland.

Leyland Cypress is light-demanding but is tolerant of high levels of pollution and salt spray. This hardy, fast-growing natural hybrid thrives on a variety of soils and sites making it very popular for hedges. Although widely used for screening, it has not been planted much for forestry purposes. In both forms of the hybrid, Leyland Cypress combines the hardiness of the Nootka or Alaska Cypress with the fast growth of the Monterey Cypress. In fact this is the quickest growing conifer in Britain, growing as much as 1.25m (4 feet) in a year. At Bedgebury Pinetum in South East England the Leylandii are 130 ft tall and still growing strong.

The scientific name of the Leyland Cypress is written as *X Cupressocyparis leylandii*, the X denoting that it is a hybrid.

[Return to top of page](#)

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# HOME & GARDEN

## INFORMATION

## CENTER

### Leyland Cypress

Leyland cypress (x *Cupressocyparis leylandii*) is a large, handsome evergreen that is used extensively in the Southeast. It is a favorite because it is fast growing. It is adapted to all of South Carolina.

#### MATURE HEIGHT/SPREAD

This tree will grow 60 to 70 feet tall and 12 to 20 feet wide. Heights of 70 to 100 feet are not uncommon.

#### GROWTH RATE

It grows rapidly when young (3 to 4 feet per year).

#### ORNAMENTAL FEATURES

The Leyland cypress forms a graceful pyramid, with dense pendulous branches and fine, feathery foliage. This foliage, on flattened branchlets, is dark green or blue-green and is small and scalelike. The fruit (cone) is small and brown, and creates no litter problems.

#### LANDSCAPE USE

This is a fast-growing evergreen when young and will quickly outgrow its space in small landscapes. It is an excellent choice for quick screens, hedges and groupings, especially on large properties. This tree tolerates severe trimming, and can be restrained at an early age with pruning. Although Leyland cypress can be sheared into a tall screen on small lots, it is most effective when allowed to develop into its natural shape. Regular trimming is necessary to retain a formal hedge, screen or windbreak. When considering this tree for use in a design, be mindful of its projected height. It usually grows larger than most people desire. It is a good background plant, and contrasts well with broadleaf evergreens.

This tree prefers sun to part shade and well-drained fertile soil. It is very adaptable, however, and tolerates acidic or alkaline soils and poor drainage on occasion. It withstands salt spray and is suited for coastal landscapes. Prune only during dry periods to help prevent disease.

#### PROBLEMS

The most serious problem is a canker that causes branch dieback to the main trunk, and can seriously disfigure or kill the tree. To help prevent spread of this fungus, spray with a fungicide, and prune only during dry periods. Bagworms can also be a major insect problem on this tree. For further information on problems on Leyland cypress, refer to the fact sheet *Leyland Cypress Problems*, HGIC 2004.

# **Leyland Cypress**

## **X Cupressocyparis leylandii**

### **HYG - 91**

right now this may be the most popular species of tree on the market. Leylands have been around for a long time, first propagated in England in the 1880s. They were not grown to any extent in this country until the 1950s. Leyland Cypress is a hybrid cross of the Alaskan white cedar and Monterey cypress. It is hardy into Zone 6, possibly 5, and can be grown as far south as Zone 10.

The growth rate of Leyland Cypress is just short of phenomenal. Growth rates of 3 feet per year are not uncommon in young trees. The ultimate height of the tree can be as much as 100 feet and it can do this in 60 years.

The texture of the foliage is feathery and soft which produces a very graceful appearance in unsheared trees. They are very easy to prune and can be sheared to maintain size, or to create a very dense hedge or screen. I have had a Leyland cypress in a foundation planting for 20 years that I have maintained at a height of 10 feet and a spread of 5 feet. This requires only a yearly pruning in December. The real beauty of this plant is its ability to be grown in different forms and still be attractive.

Transplanting from containers or well-dug field stock has been a problem only when the transplanting takes place in the fall. The root system of Leylands evidently is its one weak link. The roots do not reestablish quickly enough to allow for fall planting, and many of the trees planted after September do not make it through the first winter, even if it's mild.

Trees should be planted in the spring and kept well watered. Prune Leyland Cypress for the first 2 or 3 years to allow the root system time to develop. Trees could blow over because of too rapid top growth and poor root development. Once trees are stabilized they can withstand wind, saltspray, drought, and hot or cold temperatures.

The popularity of this species has caused its overuse. A large population of any one species over a period of time invites insect and disease problems. A good example of this is the problems we now face with the Japanese Black Pine, due partly to the huge numbers of these trees planted in the last 25 years. Diversity in plant populations is important from both an aesthetic and cultural standpoint.

Several cultivars of Leyland cypress are available which may or not be easy to find at local nurseries.

1. 'Leighton Green' - The original and most common variety, good green color; still one of the best.
2. 'Naylor's Blue' - More gray than blue, but still a very attractive tree that grows a little slower than the green form.
3. 'Castlewella' - Golden yellow tips and dark green interior, good wind tolerance.
4. 'Haggerston Grey' - Green upper foliage and grey underneath; should be available in the trade.

There are several other cultivars available, and I am sure in time we will see even more. If you do not have a Leyland cypress in your landscape, maybe you should give one a try. Remember, they grow very quickly so you can start small.

Author:  
Jay Windsor, Agricultural Agent,  
University of Delaware Cooperative Extension

HYG - 91  
10/17/97



Cooperative Extension

College of Agriculture and Natural Resources

University of Delaware



Send comments or links to [webmaster@bluehen.ags.udel.edu](mailto:webmaster@bluehen.ags.udel.edu)

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"FREE Psychic Reading - LOVE, Money, Family...Get the Real GIFT."

# Backyard Gardener

Your Backyard Information Source

- Seasonal
- How to Garden
- Alpine Garden
- Annual Garden
- Bog Garden
- Catalogs
- Compost
- Dry Garden
- Fence Designs
- Greenhouse
- Herb Garden
- Insects
- Lawn Care
- My Garden
- Perennial Garden
- Plant Finder
- Plant This!
- Propagation
- Rose Garden
- Soil Prep
- Trees
- Vegetable Garden
- Water Garden
- Books / Mags
- Classified Ads!
- Garden Forum
- Garden Store
- Add URL

## Hedges THAT CAN TAKE IT!



### HEDGES THAT CAN TAKE IT!

Seemingly, many home gardeners fail to appreciate the value and proper use of pruning shears, plant food, and mulches in the care of hedges. It doesn't take a lot of time or effort to grow beautiful hedges, and hedge plants are not especially exacting in their requirements, but a few conditions must be met.



Your e-mail

add me!

**SELECT THE RIGHT PLANTS**

Whether for a border, screen, or fence, selection of suitable plants is important. Several factors must be considered, such as size, shape, and foliage habits of mature plants and their requirements for the best growth. Too, they must be plants that will blend harmoniously with other plantings and the general landscape. Your local nurseryman can be of valuable assistance in plant selection.

**PLANT CORRECTLY**

Plant in an ample trench in soil enriched with complete plant food (also humus in tight soil) under the planting depth. Use 1 pound of Fertilizer for each 25 feet of hedge row. Water the plant immediately after planting ... soak the soil so it will be close around the roots. Mulch.

After planting, most plants should be pruned to within 6 to 12 inches from the ground. Clip the plant back in the early summer and give it a chance to branch out and grow stems and foliage close to the ground. Don't fail to mulch the first year ... mulching is hedge, insurances.

**PRUNING FOR BEAUTY AND SHAPE**

The most common mistake in pruning is not cutting the plant back far enough or cutting too narrow at the base. This is especially true in young growing plants. This condition becomes worse as the top grows and shades the lower portions. Cutting back is the only solution.

**FEED FOR GROWTH AND BEAUTY**

Too often hedges are expected to grow in poor soil and subsoil clay dug up during house construction. Many hedges are close to or underneath trees ... their feeding roots take the plant food before hedge plants have a chance to feed. All hedges should be fed at least once a year, preferably in the early spring. Use 1 pound of Fertilizer per 25 feet of row, scattering along both sides and working into the soil.



Support@backyardgardener.com  
Site Map



ArborCare, Inc.

**Newsletter**

winter 1998

**Services**

discount, winter  
snow plowing

inspections, winter  
wood chips, free

**Problem Tips**

aphids  
deer  
drought  
fungus

**Tree Tips**

most valuable  
Leyland Cypress  
select, how to

[home](#) | [email](#)

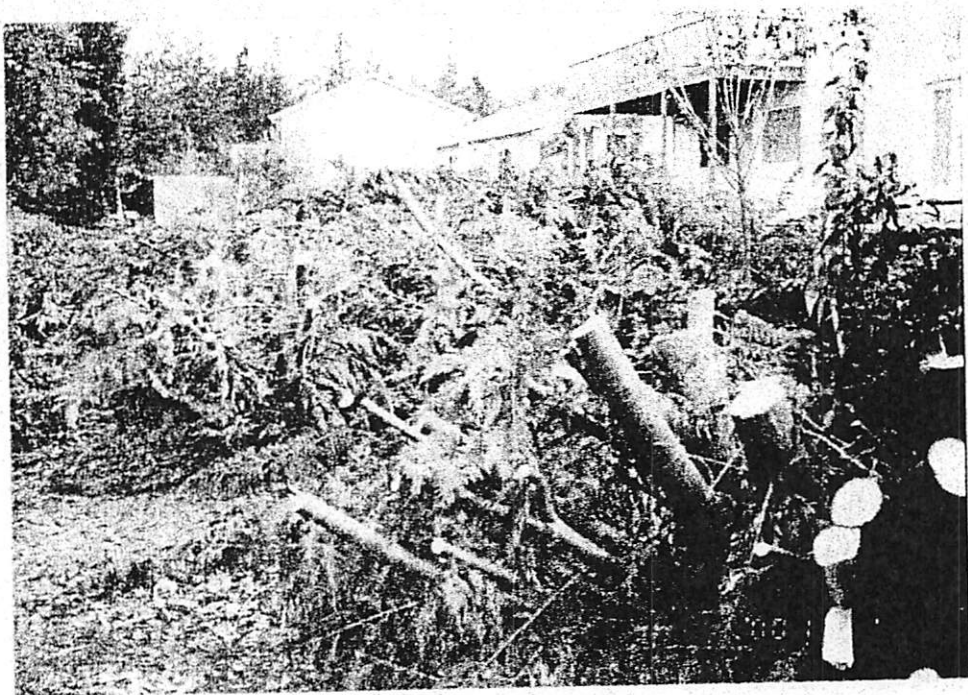
## **LEYLAND CYPRESS**

**To plant or not to plant.**

Leyland Cypress is commonly used for screening because of its rapid growth rate and year-round density. But it should be planted with caution. Most often, Leyland Cypress is planted too closely or in soil with poor drainage which leads to an underdeveloped root system. A combination of severe rain, wind, or wet snow with an overweight canopy and inadequate roots can cause the trees to uproot.

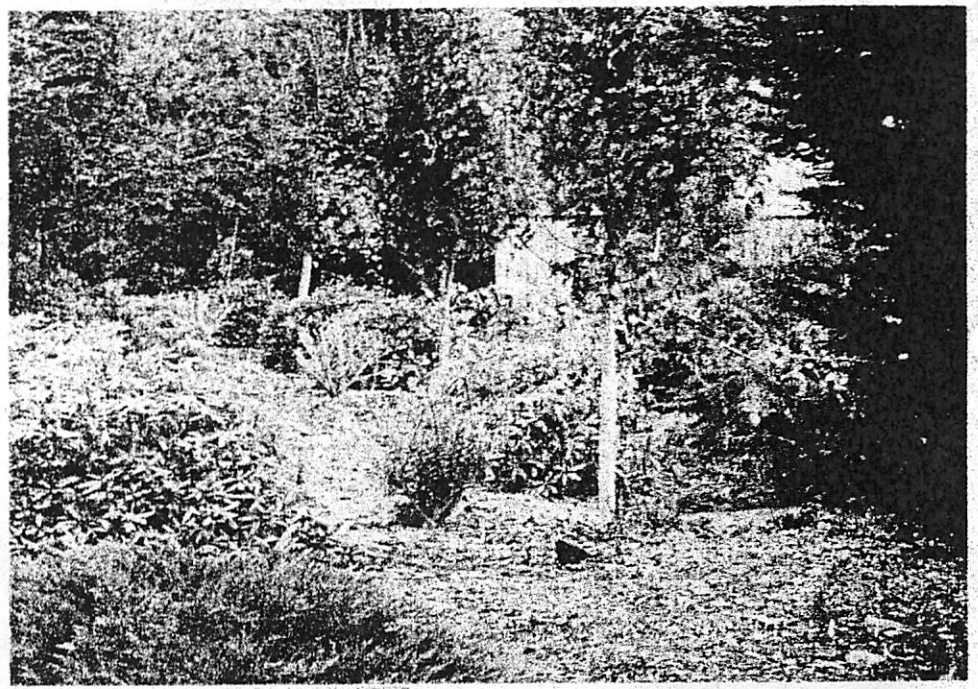
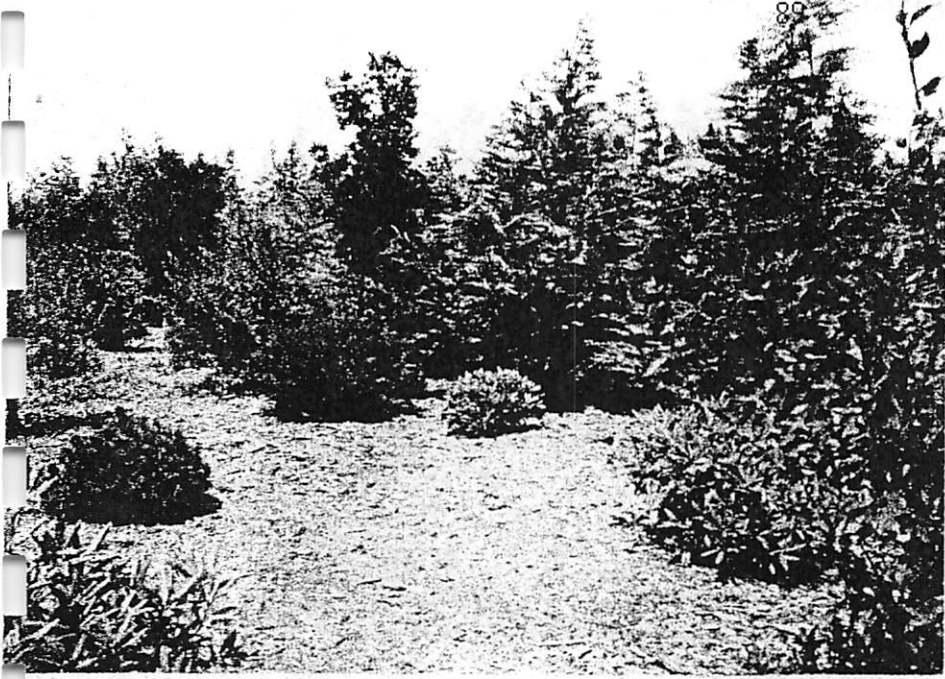
When planting Leyland Cypress, keep in mind:

- 6-8 feet between each tree
- full sun
- well drained soil
- adequate watering throughout the year.

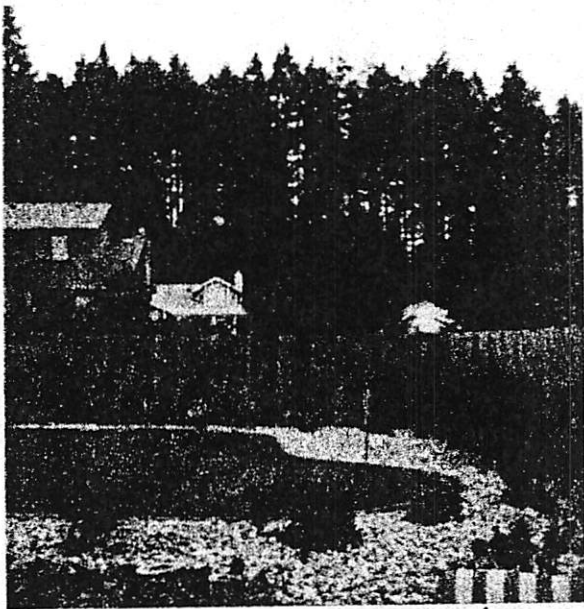


Received AT HENNING  
11-5-00

11-5-00







Received at Hearing  
11-5-00

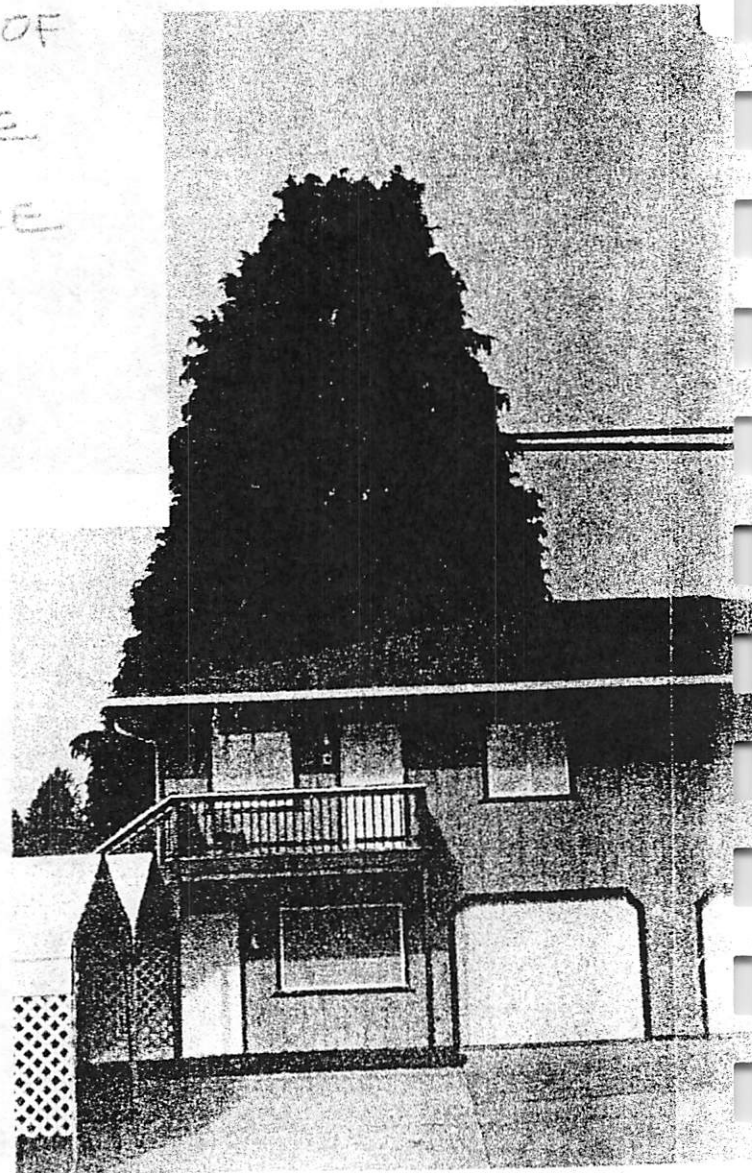
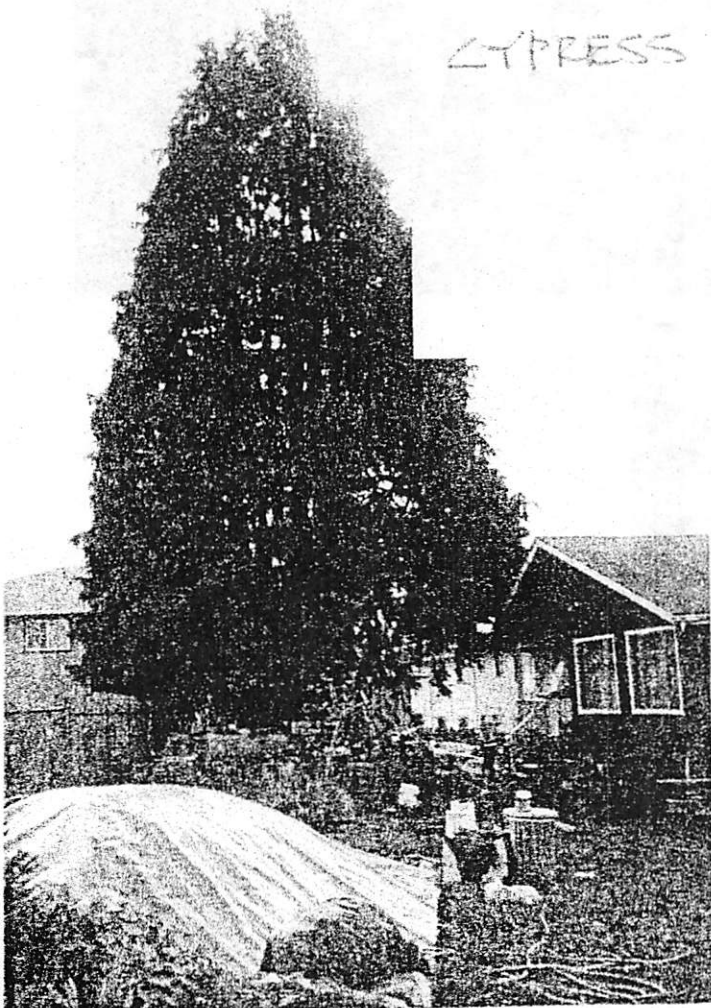
11-05-00



Received at Hearing  
11-5-00

11-04-00

TWO VIEWS OF  
SAME MATURE  
LYPPRESS TREE



February 1, 2001

Leroy Blodgett  
City of Brookings  
898 Elk Drive  
Brookings, Or 97415

RE: Signage for Driftwood Festival

Dear Leroy:

I was just made aware of the fact that we will not be able to hang a banner across Highway 101 regarding the Driftwood Festival due to two whale designed light displays that will be hung during the entire months of March and April.

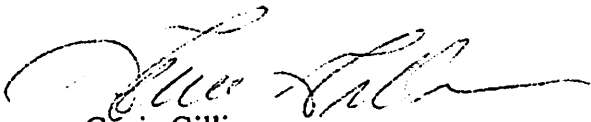
In lieu of the banner across the road way, the Chamber of Commerce Driftwood Festival Committee is requesting that the City approve an exception to the City Sign Ordinance and allow us to place two "A" frame signs within the City Limits. The proposed locations for these signs are at the triangle by the Botanical Garden and the second location (not confirmed yet with the property owner) would be placed on the corner of Easy Street and Highway 101.

The signs would be placed each morning and removed each night at dusk beginning Tuesday, March 20 through Sunday, March 25. The signs will say "Driftwood Festival This Weekend Azalea School".

I would appreciate it if you could add this item to the Councilors Agenda of February 12, 2001. Les Cohen will be attending the meeting and able to answer any questions for the Councilors.

If you have any questions in the interim, please contact me at work 469-5545.

Sincerely,



Genie Gilliam  
Driftwood Festival Committee Member

**received**  
2-02-01



CHAMBER OF COMMERCE  
*"Working To Help Our Businesses Grow"*

**COPY**

To: Common Council, City of Brookings  
 From: Les Cohen, Executive Director *Les Cohen*  
 Subject: Program Report for Calendar Year 2000  
 Date: January 30, 2001

In accordance with the agreement between the Brookings-Harbor Chamber of Commerce and the City of Brookings as specified in Ordinance No. 80-O-342, Transient Room Tax, Paragraph 8 of said agreement, the following program report detailing performance accomplishments, suggestions and problems occurring under this Agreement during calendar year 2000, is respectfully submitted.

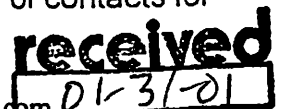
**Performance Accomplishments:**

A The Brookings-Harbor area recorded a 16.2% increase in visitors in CY2000, compared to CY1999, which recorded 10.5% more visitors than CY1998. This number represents visitors who were tallied at the Chamber's Visitor Information Center and those at the State Welcome Center at Harris Beach. The 11,455 additional visitors, by themselves, had the potential to account for an estimated one million dollars of gross income to Brookings-Harbor businesses, based on extremely conservative estimates of spending documented by the Oregon Tourism Commission. Our number of visitors have increased steadily for the past three years and reached its highest level in CY2000 since CY1993. (See Addendum A)

B. In addition to maintaining our year-round, staffed, state certified Visitor Information Center, the Chamber's satellite Tourist Information area in the lobby of the Brookings Fred Meyer store, established last year, continues to provide local information of interest to the many Brookings-Harbor visitors who frequent the store. Both of these locations are well used, as their locations provide ample parking and easy access to all travelers to our community, including those traveling in recreational vehicles (Rvers).

C. For CY2000, City of Brookings Transient Room Tax revenues increased by 13.6%, or \$17,114. CY1999 Transient Room Tax revenues increased 16.6%, for a two-year total increase of 30.2%. Transient Room Tax revenues for the City of Brookings remain at their highest levels since 1994, the first full year of the Agreement between the City and the Chamber of Commerce for promotion and marketing of our community.

D. Marketing and promotion efforts in calendar year 2000 have resulted in an increase of written, telephone, e-mail and website activity to 64,056 contacts for information; a forty-nine percent (49%) increase over CY1999's number of contacts for





## Page Two - Program Report for Calendar Year 2000

information. That percentage represents 21,173 additional contacts. Coupled with CY1999's sixteen percent (16%) increase (5,948 additional inquiries) we have realized a 65.4% increase in requests for information about our community over the past two calendar years. (See Addendum B)

E. The Chamber's revised, more attractive, multi-page website, featuring photo tours of our area and expanded areas of information about the community, coupled with local links of interest to other businesses and resource websites, has as predicted in last year's program report, captured more "hits" from Internet surfers inquiring about Oregon and the Oregon Coast than our previous website. Since August, 2000, when we first began tracking our website's activity, note that the site is averaging greater than five thousand "hits" per month, for a total of 25,848, from August through December 2000. Additionally, contacts for information by e-mail increased over 56% in CY2000 over the previous year, totaling 4,614 correspondences. . (See Addendum C)

F. In total, the Brookings-Harbor Chamber of Commerce, serving as the marketing and promotions arm of the Brookings-Harbor community, provided information in calendar year 2000 to 146,210 contacts. (See Addendum D)

G. As stated in previous years' reports, the Marketing and Promotions Budget of the Brookings-Harbor Chamber of Commerce refers specifically to local, regional and national media advertising buys. It does not reflect expenditures related to the production or advertising of the annual Azalea Festival, nor other events intended to attract visitors; holiday lighting and Festival of Lights events; donations for the purchase of the Fourth of July fireworks display; publication of promotional literature such as "The Coast is Clear" four-color pamphlet, or our "Lodging" and Dining" guides; printing of in-house brochures extolling local attractions; stationary; paper; 800 number charges; nor the postage costs attributed to the fulfillment of visitor and relocation information requests resulting from the 146,210 contacts we received in CY2000.

These and other marketing and promotions expenses, not defined in the Marketing and Promotions Budget specifically, make the actual dollar amount expended by the Chamber for marketing and promotion of the area much higher than the amount received by the Chamber from the City for promotions and marketing activities.

The Chamber is, for the seventh consecutive year, in compliance with Paragraph 4 of the Agreement between the Brookings-Harbor Chamber of Commerce and the City of Brookings, which states that "...no more than thirty percent (30%) of the revenues received by the Chamber under the Agreement may be used for payroll costs expended in the operation of the Tourist (sic) Information Center." Other sources of revenue, such as membership dues, fund raising activities, and other donations, help, in part, to subsidize the Chamber's administrative expenses. No City Transient Room Tax dollars are spent on overhead costs, neither fixed nor variable, related to the operation of the Chamber's Visitor Information Center. (See Addendum E - Financial Reports)

# Page Three - Program Report for Calendar Year 2000

The tourism forecast for calendar year 2001 is optimistic for the following reasons:

- In addition to visitor counts, other important indicators of the effectiveness of the Chamber's marketing efforts are the numbers of requests received for information on visiting and/or relocating to the Brookings-Harbor area. In CY 2000, as in CY1999, the Chamber of Commerce realized a significant increase in written and e-mail inquiries for information about our community as already documented, which included 665 specific requests for relocation information. We expect that many of these contacts will result in visitors to our community in the near and distant future.
- As the result of a strategic partnership with the Port of Brookings Harbor and Salmon Run Golf and Wilderness Preserve the Brookings-Harbor area has, for the first time, its own full-page ad in the Official Oregon Travel Guide in 2001. (See Addendum F) This publication is the state's premier print tourism promotion instrument, which is widely distributed throughout the United States.
- The grand opening of Salmon Run Golf and Wilderness Preserve, scheduled for July 14, 2001, coupled with the Chamber's First Annual Golf Tournament, the City's 50<sup>th</sup> birthday celebration and Salmon Run's own marketing and advertising campaign should result in establishing the recognition of Brookings-Harbor as a destination for golfers and increase the area's profile in golf specific media.
- As in CY 1999, despite the well-publicized high price of fuel in Oregon during the traditional tourist season, the cost of fuel did not appear to deter a large number of people from traveling to the Oregon Coast, although the mix of Rvers versus non-Rvers has been affected. However, although specific sectors of our tourism industry may be more affected more than others should fuel prices remain high, our visitor counts over the past two calendar years indicate that the lure of our coast to some degree overrides consideration of the cost of getting here. Some of the RV park owners have indicated that although there have been fewer Rvers these past two seasons, those who do come are tending to stay in our area longer.
- The Chamber is promoting the Month of March as a "Whale of a Month," and has resurrected the Driftwood Festival, along with promotion of activities throughout the month, to increase tourism during this off-season month.
- The Chamber's participation in the Joint Task Force on Interstate Commerce, which is a sub-group of the Joint Task Force on Air Service, may have ready for promotion in CY2001 get-away packages on the coast for golfing, gaming, and fishing & boating, to name a few examples, which could result in increased visitors within a one-day drive market area. Our Chamber has taken a leading role in this effort , with Chamber staff "chairing" the task force.

Page Four - Program Report for Calendar Year 2000

Suggestions:

- As stated in last year's report, the holiday light decorations the Chamber maintains and arranges to be installed along Chetco Avenue during the month of December to promote local and visiting holiday shopping are in serious need of replacement. As the aim of this Annual Program Report as stated in Paragraph 8 of the Agreement is "...for future budget purposes..." we suggest that the City of Brookings consider budgeting funds to be specifically used for this purpose.

- The time frame the Annual Program Report is required to cover is for the past Calendar Year. However, both the City of Brookings and the Brookings-Harbor Chamber of Commerce operate on, and keep their records by, fiscal years. We suggest that the Agreement be modified to require that the Annual Program Report be "...filed by July 31<sup>st</sup> of each year," corresponding to the Chamber's fiscal year of July to June. To initiate this new time frame, the Chamber would submit to the City a Program Report by this July 31<sup>st</sup>, reporting on its performance over the previous six months, and from then on annually by July 31<sup>st</sup> of each year

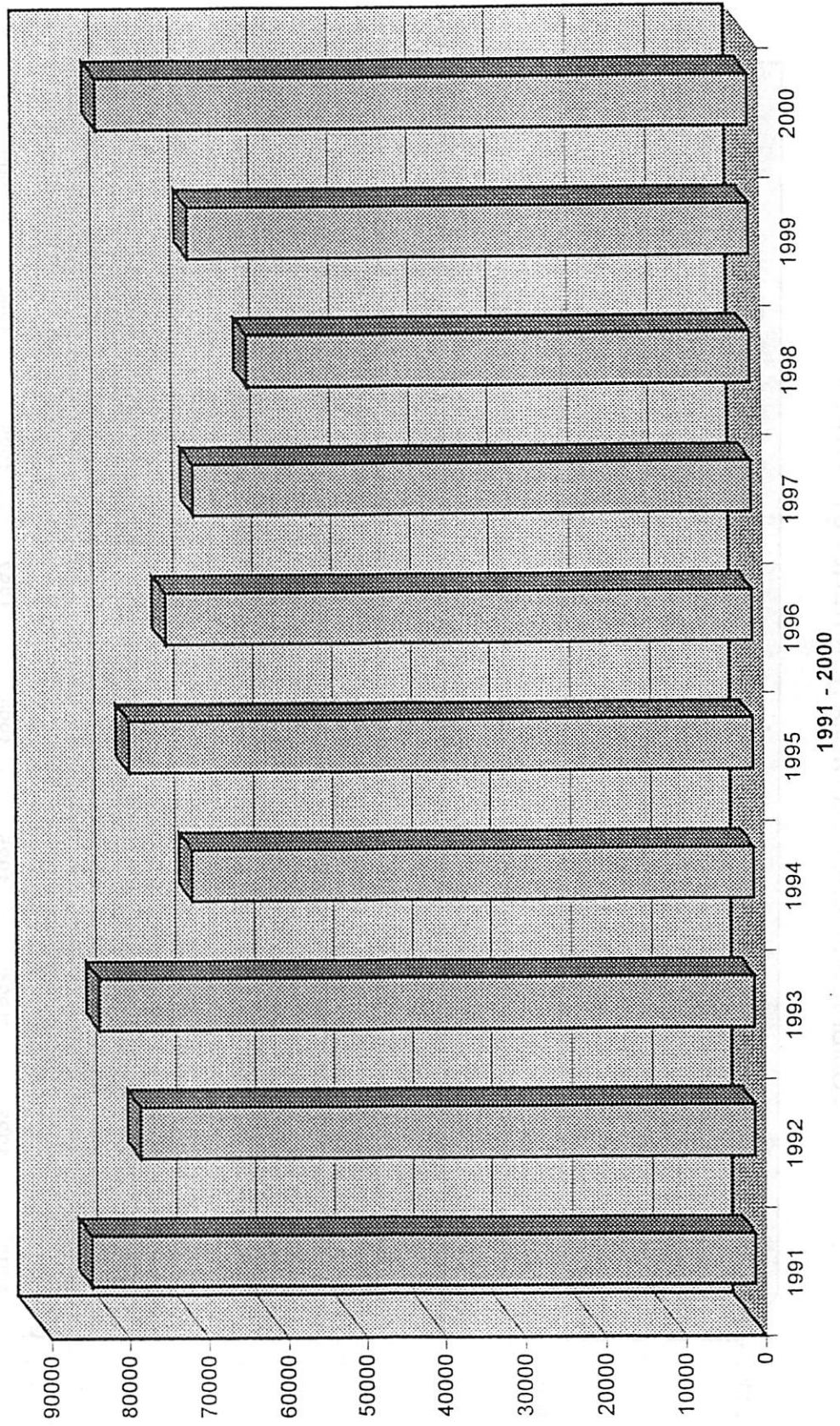
Problems:

There have been no problems occurring under this agreement at this point of time.

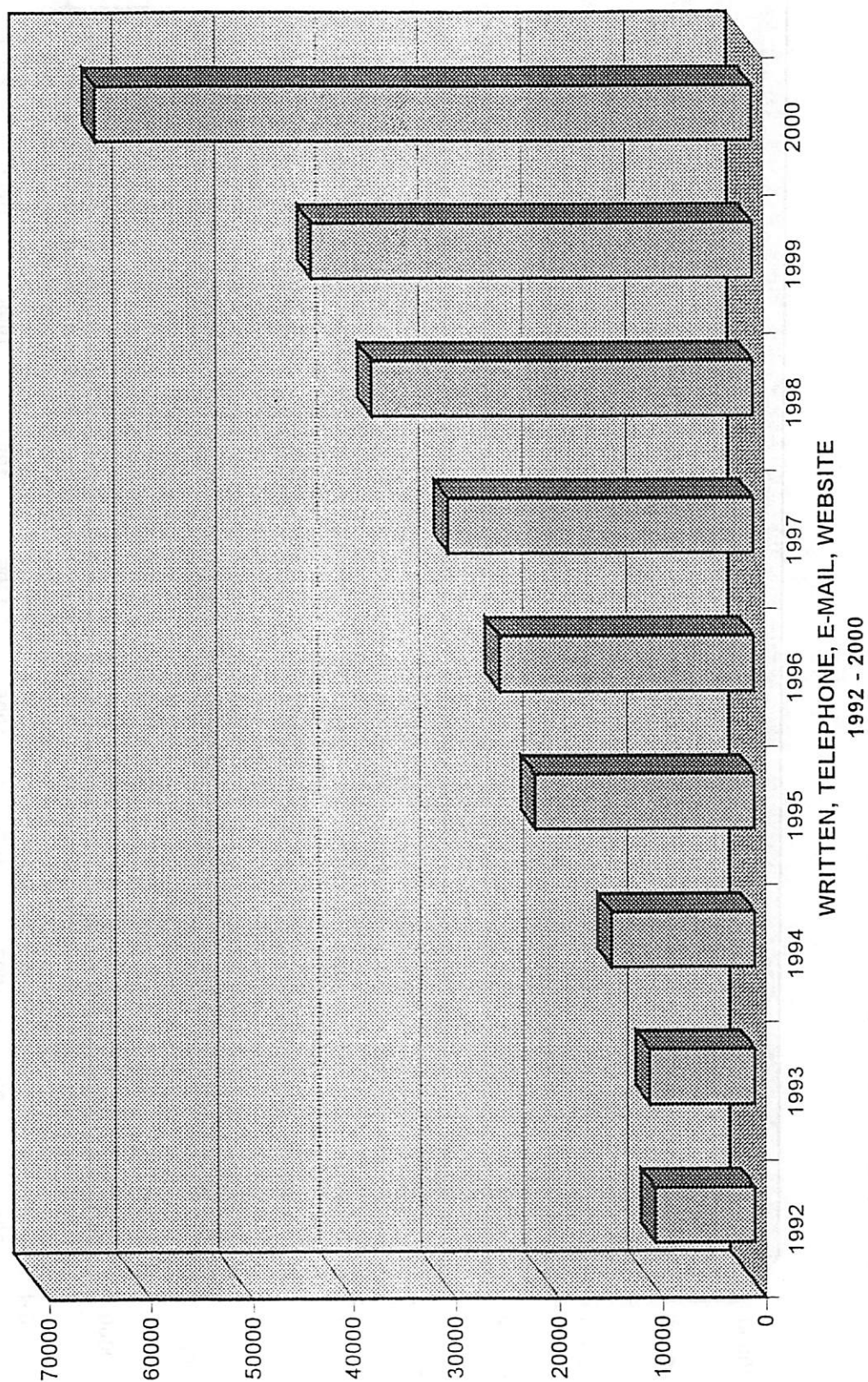
Addendums A through F attached

Addendum A

COMBINED VISITOR STATISTICS  
BROOKINGS STATE WELCOME CENTER AND CHAMBER VISITOR INFORMATION CENTER

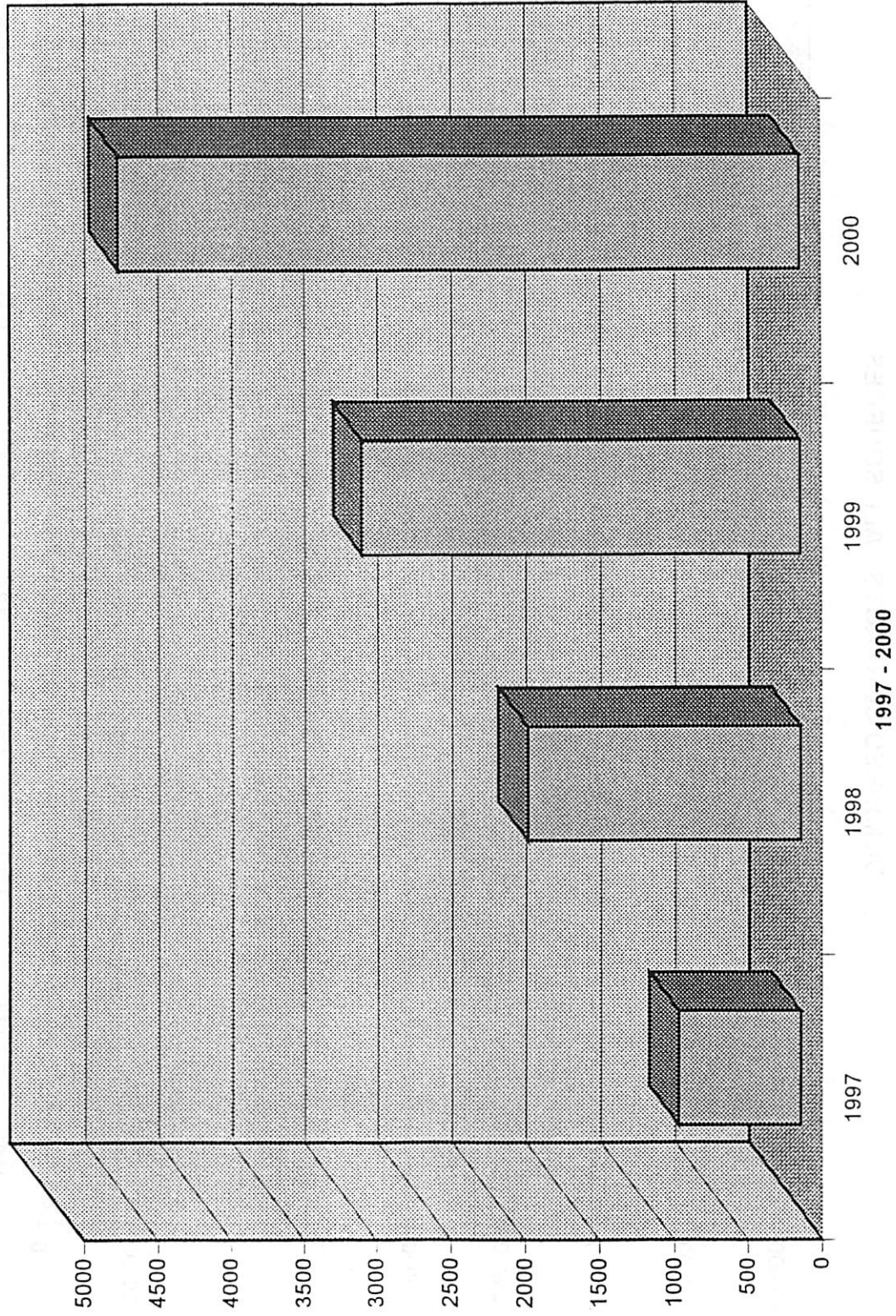


# BROOKINGS-HARBOR CHAMBER OF COMMERCE COMBINED SOURCE INFORMATION REQUEST TOTALS

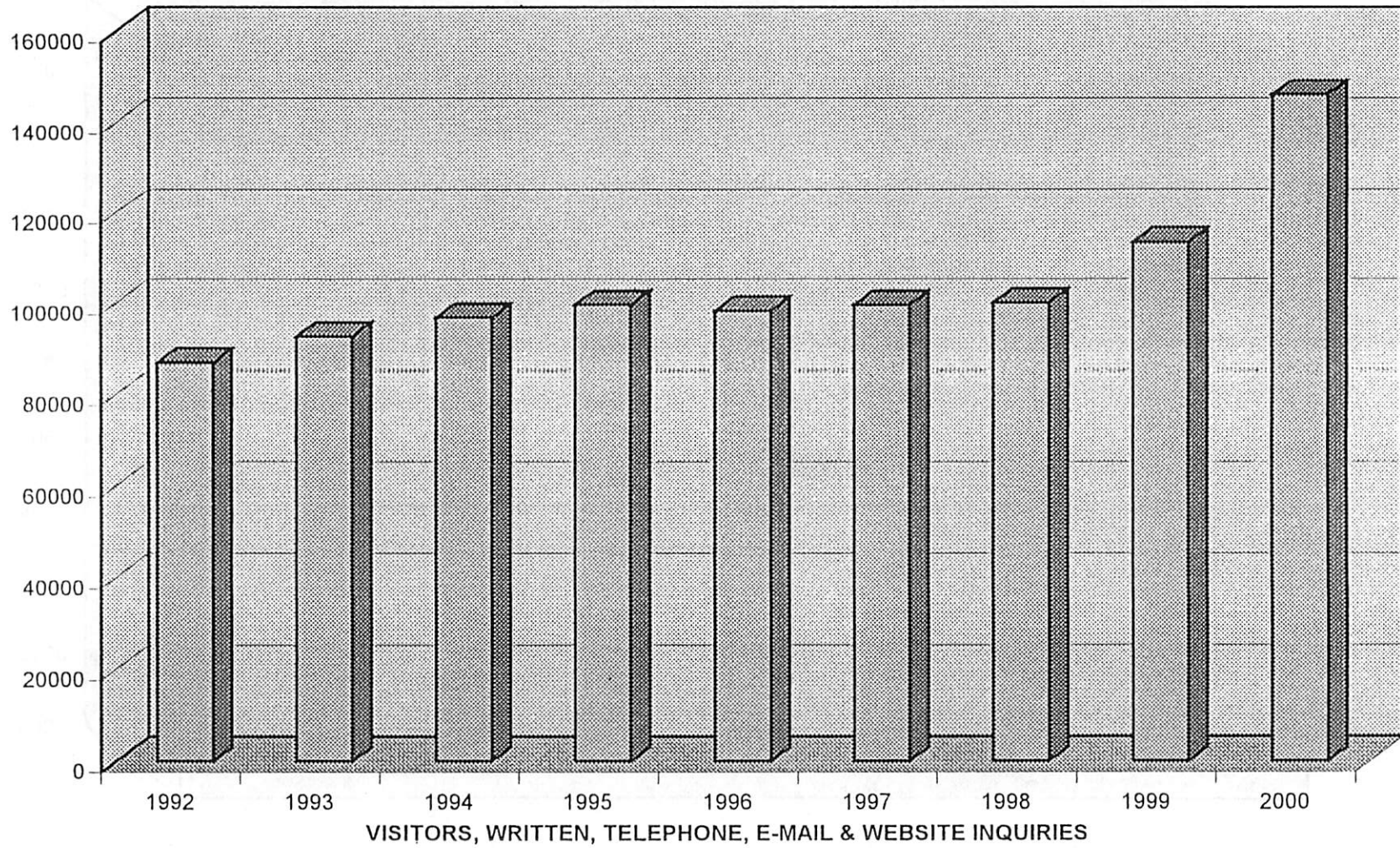




BROOKINGS-HARBOR CHAMBER OF COMMERCE E-MAIL REQUESTS



BROOKINGS-HARBOR CHAMBER OF COMMERCE  
COMBINED CONTACTS - ALL SOURCES



## BROOKINGS-HARBOR CHAMBER

Addendum E

## Balance Sheet

01/27/01 JONES

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As of December 31, 2000

Dec 31, '00

## ASSETS

## Current Assets

## Checking/Savings

## CFCU Member

## Western Chg

## Western Money Max

## Western Savings

## Total Checking/Savings

## Accounts Receivable

## Receivables

## Total Accounts Receivable

## Other Current Assets

## Change Drawer

## Petty Cash

## Total Other Current Assets

## Total Current Assets

## Other Assets

## Building

## Equipment

## Furn &amp; Fix

## Total Other Assets

## TOTAL ASSETS

## LIABILITIES &amp; EQUITY

## Liabilities

## Long Term Liabilities

## N/P - Family Security Bank

## Total Long Term Liabilities

## Total Liabilities

## Equity

## Fixed Asset Fnd

## General Fund

## Net Income

## Total Equity

## TOTAL LIABILITIES &amp; EQUITY



## BROOKINGS-HARBOR CHAMBER

## P&amp;L Budget Comparison

July through December 2000

© W082700NES

G7502 ColumnWrite®

	Initials	Date
Prepared By		
Approved By		

		Jul - Dec '00	Budget	
Income				1,000.00
Carryover Funds		0.00		
1	Contrib Inc			4,800.00
	Beach Frnt Asmt	2,400.00		27,250.00
2	City of Brkgs	23,771.53		8,200.00
	Harbor Inn Asmt	3,966.82		
3	Restr			
	GTE	18.48		
4	Total Restr	18.48		
5	UNICOM	1,333.02		2,500.00
6	Total Contrib Inc	31,469.85		40,750.00
		41,173.83		42,500.00
7	Dues Inc			
	Fundraising Rev			1,533.00
8	Lighthouse Shirts	0.00		3,500.00
	Hats	1,631.00		100.00
9	Posters	55.88		100.00
	Cash Drawer	142.00		185.00
10	Donation Jar	105.00		700.00
	Events 50/50	401.00		300.00
11	Highway Maps	183.00		0.00
	Nutshell Maps	0.00		100.00
12	Ornaments	48.00		900.00
	Pins	212.00		270.00
13	Post Cards	149.00		160.00
	State Parks Guides	107.00		800.00
14	Tide Books	1,124.00		26,500.00
	TV Auction	24,342.00		0.00
15	Windsocks	0.00		
16	Total Fundraising Rev	28,499.00		35,088.00
		1,171.19		1,300.00
17	Int Inc			
	Program Service			800.00
18	Drugs Don't Work Here	0.00		2,000.00
	Business Directories	0.00		1,300.00
19	Business Outlook Conf	850.00		125.00
	Forum	21.00		1,500.00
20	Fulfillment - Tourism	620.00		120.00
	Fulfillment - Relocation	170.00		500.00
21	Kiosk Inc	0.00		3,250.00
	Leadership Program	2,065.00		5,000.00
22	Other Inc	4,831.64		
	Postage			1,500.00
23	Newsletter Inserts	440.00		750.00
	Relocation Packages	482.00		25.00
24	Postage - Other	73.00		
25	Total Postage	975.00		2,275.00
		10.00		100.00
26	Printing			20,370.00
27	Total Program Service	9,542.64		
	Special Events			2,500.00
28	Annual Dinner	110.00		
	Azalea Festival			16,000.00
29	Street Fair	107.53		
	Azalea Festival - Other	0.00		16,000.00
30	Total Azalea Festival	107.53		
	Azalea Pageant	8.95		500.00
31	Back To School Brkfst	775.00		0.00
32	Kite Festival	0.00		
33	Total Special Events	1,001.48		19,000.00
34	Total Income	112,877.99		160,008.00
35	Expense			
	Admin Expenses			815.00
36	Accounting	270.00		400.00
	Bank Chgs	785.29		1,000.00
37	Board Retreat	0.00		1,500.00
	Conferences	320.26		860.00
38	Dues	335.00		
	Insur			2,400.00
39	Health	1,200.00		
40	Liab			500.00
	General Liability	0.00		

# BROOKINGS-HARBOR CHAMBER P&L Budget Comparison

Prepared By	Initials	Date
Approved By		

01/27/01 SON JONES

G7502 ColumnWrite

July through December 2000

1 2

	Jul - Dec '00	Budget
<b>Directors &amp; Officers</b>	788.00	788.00
<b>Total Liab</b>	788.00	1,288.00
<b>Total Insur</b>	1,988.00	3,688.00
<b>Lease Exps</b>	1,223.21	2,750.00
Equip Rent	600.00	1,200.00
Port		
<b>Total Lease Exps</b>	1,823.21	3,950.00
<b>License</b>	0.00	85.88
<b>Office Exps</b>	1,978.00	4,000.00
<b>Other Exp</b>	1,564.52	
<b>Payroll</b>	2,562.95	5,554.00
Payroll Taxes	29,147.95	63,517.00
Salaries/Wages	-39.10	537.00
Workers Comp		
<b>Total Payroll</b>	31,671.80	64,808.00
<b>Postage</b>	2,559.99	5,500.00
<b>Printing</b>	0.00	4,300.00
<b>Property Taxes</b>	236.80	280.00
<b>Repairs &amp; Maint</b>		
Building	62.96	250.00
Computers	0.00	100.00
Equipment	50.00	100.00
Janitorial	180.00	400.00
<b>Total Repairs &amp; Maint</b>	292.96	850.00
<b>Supplies</b>	116.54	160.00
Cards		
<b>Total Supplies</b>	116.54	160.00
<b>T&amp;E</b>	198.91	750.00
Meals	1,028.29	2,000.00
Travel		
<b>Total T&amp;E</b>	1,227.20	2,750.00
<b>Telephone</b>	2,334.29	5,000.00
Util		
Electric	439.29	1,200.00
Trash	364.25	715.00
Water	207.85	480.00
Util - Other	40.45	
<b>Total UTIL</b>	1,051.84	2,395.00
<b>Total Admin Expenses</b>	48,555.70	108,141.00
<b>Capital Exps</b>	595.98	500.00
<b>Construction Loan</b>		
Principal	1,758.37	3,216.17
Interest Expense	1,192.85	2,888.27
<b>Total Construction Loan</b>	2,951.22	5,902.44
<b>Contingency Exp</b>	0.00	2,699.56
<b>Contributions</b>	0.00	500.00
Klamath Dues		
<b>Total Contributions</b>	0.00	500.00
<b>Fundraising Exp</b>	0.00	1,320.00
Lighthouse Shirts	1,171.67	2,700.00
Hats	0.00	60.00
State Parks Guides	948.20	650.00
Tide Books	4,767.85	9,225.00
TV Auction		
<b>Total Fundraising Exp</b>	6,887.72	7,985.00
<b>Program Expense</b>	0.00	500.00
Drugs Don't Work Here		
Advertising & Mktg.	18,414.43	17,500.00
City Room Tax Expensed	674.80	
Advertising & Mktg. - Other		
<b>Total Advertising &amp; Mktg.</b>	19,089.23	17,500.00
<b>Ambassadors</b>	265.00	1,525.00
<b>Business Outlook Cont</b>	0.00	1,100.00
<b>Leadership Program</b>	325.99	2,500.00

## BROOKINGS-HARBOR CHAMBER

## P&amp;L Budget Comparison

July through December 2000

	Initials	Date
Prepared By		
Approved By		

01/27/01  
WILSON JONES

G7502 ColumnWrite 3

	Jul - Dec '00	Budget
Total Program Expense	19,680.22	23,125.00
Special Event		
1 Annual Meeting	236.50	2,000.00
2 Azalea Festival	40.00	6,500.00
3 Azalea Pageant	0.00	250.00
4 Back To School Brkfst	0.00	75.00
5 Holiday Lighting - Bed Tax	593.64	300.00
6 July 4th		
7 Ads - BedTax	531.41	530.00
8 Fireworks	0.00	1,000.00
9 Total July 4th	531.41	1,530.00
10 Kite Festival - Bed Tax	0.00	500.00
11 Total Special Event	1,401.55	11,155.00
12 Uncategorized Expenses	0.00	
13 Total Expense	80,072.39	150,008.00
14 Net Income	32,805.60	0.00
15		
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# BROOKINGS HARBOR

On Oregon's Incredible Southern *MOST* Coast



SALMON  RUN  
*Golf & Wilderness Preserve*



PORT OF BROOKINGS HARBOR

Brookings-Harbor  
Chamber of Commerce  
1 800 535-9469  
[www.brookingsor.com](http://www.brookingsor.com)

Port of Brookings Harbor  
[www.port-brookings-harbor.org](http://www.port-brookings-harbor.org)

Salmon Run Golf &  
Wilderness Preserve  
1 877 423-1234  
[www.salmonrun.net](http://www.salmonrun.net)

Addendum F

# PLANNING COMMISSION

For the City of Brookings, Oregon

Commissioner Ted Freeman, Chair

Commissioner Rick Dentino, Vice Chair

Commissioner Judi Krebs

Commissioner Richard Gyuro

Commissioner Vikki Nuss

Commissioner Jim Collis

Commissioner Fred Howe

## Annual Report for the Year 2000

(Information in this report is derived from all actions taken by the Commission from  
January - December, 2000.)

---

**Dedicated to the memory of Commissioner Marvin Lindsey**

---

### Commissioners:

There have been a number of changes in the make-up of the Commission this year. The following information illuminates those changes.

#### **Deaths:**

The Planning Commission was deeply saddened by the sudden and unexpected death of Commissioner Marvin Lindsey on March 12, 2000. Commissioner Lindsey served on the Planning Commission for almost 7 years, having been appointed in July 1993.

#### **Resignations:**

1. Long-time Commissioner Earl Breuer's position on the Commission expired in April, 2000, and Mr. Breuer declined further appointment. Commissioner Breuer served had served on the Commission since April, 1971. Overall Mr. Breuer has served this community for 37 years and was recognized by the City Council in March, 2000.
2. Commission Vice Chair Rick Dentino was elected to the Brookings City Council in November, 2000, and will be taking office in January, 2001. Mr. Dentino's resignation from the Planning Commission becomes effective December 6, 2000.

#### **Appointments:**

1. Commissioner Jim Collis was appointed to the Planning Commission on March 27, 2000.
2. Commissioner Fred Howe was appointed to the Planning Commission on March 27, 2000.

# PLANNING COMMISSION

For the City of Brookings, Oregon

Commissioner Ted Freeman, Chair

Commissioner Rick Dentino, Vice Chair

Commissioner Judi Krebs

Commissioner Richard Gyuro

Commissioner Vikki Nuss

Commissioner Jim Collis

Commissioner Fred Howe

## Actions Taken:

The Planning Commission heard and acted upon many different kinds of requests during this year. The following is a breakdown of the various actions and considerations handled by the Planning Commission in 2000.

<b>Misc. Actions:</b>	16 Total	A.	Variances	2
		B.	Unnamed Street Mediation	1
		C.	ODOT/City Council Referral	1
		D.	Final Plat Map Extensions	2
		E.	County Referrals	10


<b>Public Hearings:</b>	23 Total	A.	Conditional Use Permits	6
		B.	Minor Change to a Previously Approved CUP	1
		C.	Amendments to the Land Development Code	3
		D.	Minor Partitions	6
		E.	Major Partitions	1
		F.	Subdivisions	2
		G.	Zone Changes	2
		H.	Zone Variance	2

<b>Lots Created by These Actions:</b>	A.	Minor Partitions	10
	B.	Major Partitions	2
	C.	<u>Subdivisions</u>	<u>11</u>
		<b>Total</b>	<b>23</b>

## Concerns:

**Joint Meetings:** The Planning Commission feels that it is extremely important that the Commission and the City Council meet jointly on a regular basis, at least annually. The purpose of these meetings should be:

1. To anticipate and clarify any community development issues for which both bodies share responsibility.
2. To enhance communication so that decisions made by the Planning Commission are consistent with the intent and stated goals of the City Council.
3. To foster a spirit of cooperative leadership for the community at large.

  
 Ted Freeman, Chairman - 2000  
 City of Brookings Planning Commission





## **Staff Report**

**To:** Mayor Hagbom & City Councilors  
**From:** Leroy Blodgett, City Manager  
**Date:** February 12, 2001  
**Re:** Performance Evaluations

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### **BACKGROUND**

According to the City's contract with the City Manager, the City Council must conduct a performance evaluation after six months of employment. As of February 14, 2001, I have been employed as the Brookings City Manager for six-months (and I must say I have really enjoyed this time). It is also time for annual evaluation of the Municipal Court Judge and City Attorney.

In order to conduct the evaluation in executive session, as allowed by State law, City Council must first adopt criteria for the evaluation in an open session and allow for public input. It is unclear if you must also adopt criteria for evaluating the Judge and the City Attorney. To be safe, I recommend that you adopt criteria for all three at the same time. To adopt the criteria, City Council will need to approve and adopt attached evaluation forms.

### **ALTERNATIVES**

1. Conduct evaluations in open session. This would not require adoption of criteria before the evaluations.
2. Adopt the evaluation forms as criteria for performance evaluations.

### **STAFF RECOMMENDATION**

Adopt attached evaluation forms as criteria for performance evaluations of the City Manager, Municipal Court Judge and City Attorney and to conduct the evaluations in executive session at \_\_\_\_\_ PM on February 26, 2001.

**MANAGEMENT PERFORMANCE EVALUATION**  
**By City Council**

**I. DESCRIPTION OF EVALUATION RATING**

The numerical rating (1-5) is an effort to quantify opinions and judgments about a specific management responsibility or skill and/or a personal/interpersonal skill. While admittedly subjective, it will suggest a useful emphasis or relative degree of acceptability.

A (1) rating represents "very satisfactory" performance or behavior, a (3) "satisfactory", and a (5) "unsatisfactory" performance or behavior. The (2) and (4) are gradations in-between these ratings.

The "N/O" represents "no opinion" or "no observations" of performance or behavior.

**II. DESCRIPTION OF EVALUATION CATEGORIES**

**Management Responsibility/Skills**

**1. Staff reporting to, and communication with City Council**

How useful and timely are the reports? Are they balanced, well-reasoned, supported with facts? Do they identify sufficient alternatives and, where applicable, include recommendations for action? Are the manager's efforts to communicate useful, objective and supportive of the City Councilor's role? Does the manager keep the City Council adequately informed?

**2. Planning, organizing, executing of work**

Does the City Manager plan, organize and execute all approved Council policies, programs in his/her day-to-day responsibilities in an effective and efficient manner?

**3. Supervision and development of, and communication with subordinate personnel**

To your knowledge, does the City Manager supervise effectively all personnel who report to him/her? Does the manager provide sufficient training for their personal/professional development and demonstrate sufficient care and concern about their needs? Does the manager attempt to keep all employees informed appropriately of City affairs and policies which may affect them? And does the City Manager show a willingness to accept "feedback" from employees?

**4. Personal/professional development**

Does the City Manager keep informed and abreast of the latest information and technology available in his/her profession and in municipal affairs generally? Does the manager appear to lack information on matters on which he/she should be informed?



5. Budget development and control

Does the City Manager demonstrate budget skills and experience through which to propose a balanced, understandable, and well-documented budget? Does the Council have sufficient lead-time during which deliberations and adjustments in the proposed budget document can be made? Does the City Manager provide effective management and control of the approved budget document? Are there procedures established to ensure that departments stay within the approved budget totals for their program activities?

6. Project accomplishment and delivery of City services

Is there evidence of systematic progress toward completion of all special projects? Is the City Council able to get rapid and accurate responses about a project status? Does the City Manager, through the various departments and staff, provide effective and efficient delivery of City services as authorized and budgeted by the City Council?

7. Communication with public and press

Does the City Manager demonstrate effective communication with citizens? Does the City Manager handle appropriately inquiries from the news media? Is he too available, or not available enough? Does he speak on matters prematurely, inappropriately or inaccurately?

8. Intergovernmental relations

Does the City Manager appear to be effective in dealing with other governmental units at the local, regional, state and federal level? Are these relationships productive in terms of needed services or financial support (grants)?

9. Community relationships/services

Does the City Manager participate sufficiently in community affairs and projects? Is the City Manager involved in civic clubs, church groups, youth activities, etc., in some fashion? Is the Manager too involved, spending time which should be devoted to his/her job?

CITY OF BROOKINGS, OREGON**MANAGEMENT PERFORMANCE EVALUATION**

\_\_\_\_\_ to

NAME

POSITION  
(DATE)

Review evaluation descriptions on prior pages before completion:

Management Responsibility/Skills  
Evaluation

## 1. Staff reporting to, and communication

with City Council

Comments: \_\_\_\_\_

\_\_\_\_\_ 1 2 3 4 5 N/O \_\_\_\_\_

## 2. Planning, organizing, executing of work

Comments: \_\_\_\_\_

1 \_\_\_\_\_ 2 3 4 5 N/O \_\_\_\_\_

## 3. Supervision and development of, and

Communications with subordinate personnel

Comments: \_\_\_\_\_

\_\_\_\_\_ 1 2 3 4 5 N/O \_\_\_\_\_

## 4. Personal/professional development

Comments: \_\_\_\_\_

1 \_\_\_\_\_ 2 3 4 5 N/O \_\_\_\_\_

## 5. Budget development and control

Comments: \_\_\_\_\_

1 \_\_\_\_\_ 2 3 4 5 N/O \_\_\_\_\_

## 6. Project accomplishment and delivery of

City services

Comments: \_\_\_\_\_

1 \_\_\_\_\_ 2 3 4 5 N/O \_\_\_\_\_

## 7. Communications with public and press

Comments: \_\_\_\_\_

1 \_\_\_\_\_ 2 3 4 5 N/O \_\_\_\_\_

## 8. Intergovernmental relations

Comments: \_\_\_\_\_

2

4

5

N/O

9. Community relationships/service

Comments: \_\_\_\_\_

2

3

4

5

N/O

# **CITY OF BROOKINGS, OREGON**

## **CITY ATTORNEY PERFORMANCE EVALUATION**

**JOHN B. TREW**

**Name**

**Date**

*A (1) rating represents "very satisfactory" performance or behavior, a (3) "satisfactory", and a (5) "unsatisfactory" performance or behavior. The (2) and (4) are gradations in between these ratings.*

*The "N/O" represents "no opinion" or "no observation" of performance or behavior.*

<b>Attorney's Performance/Behavior</b>		<b>Evaluation (circle one)</b>					
1.	Availability for meetings	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/O</b>
2.	Demeanor	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/O</b>
3.	Knowledge of the law	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/O</b>
4.	Quality of legal research	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/O</b>
5.	Quality of drafted documents	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/O</b>
6.	Completion of projects	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/O</b>
7.	Returns phone calls in a timely manner	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/O</b>
8.	Ability to work with Council	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/O</b>
9.	Ability to work with staff	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/O</b>
10.	Ability to work with others on behalf of City government	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/O</b>

11.	Communication skills with Council	1	2	3	4	5	N/O
12.	Communication skills with staff	1	2	3	4	5	N/O
13.	Current on issues affecting City	1	2	3	4	5	N/O
14.	Responsiveness to Council	1	2	3	4	5	N/O
15.	Responsiveness to staff	1	2	3	4	5	N/O

**Comments:**

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**Recommendations:**

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Prepared by \_\_\_\_\_

Date \_\_\_\_\_

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**CITY OF BROOKINGS, OREGON****MUNICIPAL COURT JUDGE PERFORMANCE EVALUATION****RICHARD L. HARPER****Name**

*A (1) rating represents "very satisfactory" performance or behavior, a (3) "satisfactory", and a (5) "unsatisfactory" performance or behavior. The (2) and (4) are gradations in between these ratings.*

*The "N/O" represents "no opinion" or "no observation" of performance or behavior.*

**Municipal Court Judge's  
Performance/Behavior****Evaluation (circle one)**

1.	Availability for meetings	1	2	3	4	5	N/O
2.	Demeanor	1	2	3	4	5	N/O
3.	Knowledge of the law	1	2	3	4	5	N/O
4.	Returns phone calls in a timely manner	1	2	3	4	5	N/O
5.	Ability to work with Council	1	2	3	4	5	N/O
6.	Ability to work with staff	1	2	3	4	5	N/O
7.	Ability to work with others on behalf of City government	1	2	3	4	5	N/O
8.	Communication skills with public	1	2	3	4	5	N/O
9.	Communication skills with staff	1	2	3	4	5	N/O
10.	Responsiveness to Council	1	2	3	4	5	N/O
11.	Responsiveness to staff	1	2	3	4	5	N/O

**Comments:**

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**Recommendations:**

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**Prepared by**\_\_\_\_\_ **Date**\_\_\_\_\_

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**CITY OF BROOKINGS  
COMMON COUNCIL MEETING MINUTES  
City Hall Council Chambers  
898 Elk Drive, Brookings, OR 97415  
January 22, 2001  
7:00PM**

***I. CALL TO ORDER***

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

***II. PLEDGE OF ALLEGIANCE***

Led by Bill Boynton, citizen

***III. ROLL CALL***

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

Council Absent: Council President Larry Curry

Staff Present: City Manager Leroy Blodgett, City Planner John Bischoff, Community Development Director Leo Lightle, and Administrative Secretary Sharon Ridens.

Media Present: Chuck Hayward, Curry Coastal Pilot

Other: Chamber of Commerce President Richard Gyuro, Planning Commissioner Jim Collis, Curry County Recycling Committee Representative Ken Burns, ODOT District 7 Assistant Director Lee Sparks, and approximately 9 other citizens

***IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS***

***A. Appointments***

- 1. Additional members to City's 50<sup>th</sup> Birthday Celebration Committee***  
Councilor Kuhn revealed confirmed plans for the City's 50<sup>th</sup> Birthday Celebration set for the weekend of July 13, 2001, which includes a sock-hop on Friday, various activities at the Port on Saturday, and a concert in Azalea Park on Sunday. There were no new applicants for the committee.

## V. PUBLIC HEARING

Mayor Hagbom advised Council was entering into the public hearing section of the agenda, at the time of 7:07PM.

- A. *In the matter of Planning Commission File No. APP-1-01, an appeal to a Planning Commission decision that approved VAR-2-00, an application for a variance to the existing Claron Glen subdivision to deny public access to internal walkways and not require sidewalks on both sides of the street; Assessor's Map 40-13-31 CD, various tax lots; R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size) Zone. Wayne F. Robinson, appellant.*

Mayor Hagbom advised he would disqualify himself from participating in the public hearing involving Claron Glen subdivision, since he resides in the area and at one time was president of the homeowners association. He asked, if there were any other Council members that might have personal bias or personal interest that would preclude their participation in this hearing. Councilor Dentino advised he would disqualify himself, as he chaired the Planning Commission meeting of the original hearing on this issue. Mayor Hagbom noted Councilor Curry, being Council President would therefore need to chair this Public Hearing. Curry with an excused absence, due to illness, would not afford a quorum on hearing the matter before the Council. Hagbom recommended the public hearing on Claron Glen be continued to February 5, 2001, for a special public hearing meeting, which would be the first opportunity to have a quorum available. There was a brief discussion.

Chuck Weller, 932 Helen Lane, Brookings, questioned the continuance, but Wayne Robinson, of 949 Helen Lane and appellant, advised he agreed with the continuation and date chosen. There was no other discussion.

**Councilor Kuhn moved, Councilor Johns seconded, and the Council voted unanimously to continue the public hearing on Planning Commission File No. APP-1-01, be continued to February 5, 2001, at 7:00 PM, in the City Hall Council Chambers.**

- B. *In the matter of Planning Commission File No. LDC-1-01, an amendment to repeal Ordinance 99-O-446.EE which allowed communication towers up to 150 feet in height, when operated by a public entity offering emergency services. City initiated.*

Mayor Hagbom advised he would now call a legislative public hearing to order at 7:14PM, regarding the consideration to adopt Ordinance No. 01-O-446.LL, which is a revision of Ordinance of Ordinance 99-O-446.EE of the Land Development Code. Hagbom asked City Planner John Bischoff to provide a brief background on the matter. He then asked if any member of the Council had any personal bias

or personal interest that would preclude their participation in the hearing, of if any member had a potential or active conflict of interest? There was none. Councilor Rick Dentino stated ex parte for a site visit. No one objected to the jurisdiction of the Council to hear this matter. Mayor Hagbom stated all testimony and evidence must be directed toward the criteria outlined in the staff presentation or other criteria in the comprehensive plan or land use regulation which the person believes applies to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issues precludes appeal to the Oregon Land Use Board of Appeals (LUBA) based on that issue. He also reminded Council and audience the failure to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow Council to respond to the issue precludes an action for damages in Circuit Court.

Mayor Hagbom asked Bischoff to present the ordinance on behalf of the applicant, the City of Brookings. Bischoff provided the background with references to staff reports. There were no further questions or discussion. Mayor Hagbom asked if any member of the public wished to speak in favor of or against the ordinance, and there was none. He asked if the applicant was willing to waive written argument and have decision made at this meeting. Bischoff responded in favor. Mayor Hagbom advised the public hearing on Ordinance No. 01-O-446.LL is closed at 7:20PM, January 22, 2001, and that Council would proceed to discussion and decision. There was no discussion

City Manager Leroy Blodgett read Ordinance No. 01-O-446.LL in full.

**Councilor Dentino moved, Councilor Kuhn seconded, and the Council voted unanimously to have Ordinance No. 01-O-446.LL be read by title only.**

City Manager Blodgett read Ordinance No. 01-O-446.LL by title only.

**Councilor Dentino moved, Councilor Johns seconded, and the Council voted unanimously to adopt Ordinance No. 01-O-446.LL.**

The ordinance was adopted.

## **VI. SCHEDULED PUBLIC APPEARANCES**

- A. Ken Burns - Annual Curry County Recycling Committee Report**  
Curry County Recycling Committee Representative Ken Burns provided his annual report to the Council for the entire County's recycling activities and collections. His report also included the goals and actual collections for years

1998 and 1999, current recycling programs, and the future of recycling efforts. Mayor Hagbom thanked Mr. Burns for his report.

*B. Pat Widmer and Barbara Cleland -Family Community Education (FCE) presentation*

Pat Widmer and Barbara Cleland presented the City with a donation of \$550, to begin an important project fund for covering the pool, and challenged all other non-profit organizations to match or better their donation. These monies came from the profits at their annual Homemaker's Holiday. Mayor and Council expressed their appreciation.

*C. Tom Kerr - Kerr Ace Hardware Improvements presented*

Tom Kerr of Kerr Ace Hardware presented a proposal of blending the existing and remodeling of Kerr Ace Hardware's business location with the City's plans for downtown by providing drawings and discussion. City resident Sue Etchart of 222 Del Norte Lane, Brookings, asked for some clarifications. There was brief discussion from Council, but no other comments from audience. No action was taken.

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

*A. Committee and Liaison reports*

*1. Chamber of Commerce*

Chamber President Richard Gyuro of 276 Alan Lane, Brookings invited anyone not yet registered to attend their all day Business Outlook Conference scheduled for tomorrow, January 23, 2001, to register at the door after 7:30AM.

*2. Businesses for a Better Brookings*

There was no report.

*3. Port of Brookings-Harbor*

There was no report.

*4. Council Liaisons*

Councilor Dentino being a new Council member had not yet attended any meetings as a liaison.

Councilor Johns has been meeting with the new committee formed by the School District to oversee the recently passed bond measure.

Councilor Kuhn attended the Brookings-Harbor Port Commission meeting where there new proposed design was presented.

Mayor Hagbom attended the Curry County Commissioners meeting today, where the UGB County Ordinance was passed.

*B.      Unscheduled*

Lee Sparks, 3500 Stewart Parkway, Roseburg, OR, apologized for tardiness in returning for a visit to Brookings, but explained his last month's activities, which included completion of the raised median on U.S. Hwy 101 South just at the south edge of Dot Martin Bridge (Chetco Bridge) and Lower Harbor Road exit. He also reported on the speed reduction at the north end of town, and a potential speed reduction on the two-way turn lane by Benham Lane in Harbor. Mayor Hagbom thanked ODOT for all it's cooperation, and providing a great representative, Lee Sparks.

**VIII.   STAFF REPORTS**

*A.      City Manager*

*1.      Adoption of City Council Goals*

City Manager Leroy Blodgett reviewed the Council's work-session held on January 17<sup>th</sup>, and recommended the Council adopt the alphabetized recommended goals for FY 2001-2002 as presented.

**Councilor Johns moved, Councilor Dentino seconded, and the Council voted unanimously to adopt the City Council Goals as presented for FY 2001-2002.**

*2.      Other*

City Manager Blodgett advised he had recently been appointed to the Coos Curry Douglas Regional Investment Board. Blodgett also stated the ODOT Community Solutions Team (CST) met to discuss the couplet project and set a future meeting for March 14, 2001, in Brookings to discuss making it happen. He will be attending the Business Outlook Conference tomorrow, and workshops in Tigard and Newport at the end of the week.

*B.      Community Development Department*

*1.      Acceptance of two deeds - new extension of Wharf Street and sludge tank parcel from South Coast Lumber Co.*

Community Development Director Leo Lightle reported on the background of two new right-of-ways for the City. Lightle also advised

there were no health issues and recommended Council accept the deeds. There was no discussion.

**Councilor Kuhn moved, Councilor Johns seconded, and the Council voted unanimously to accept two deeds for the new extension of Wharf Street and sludge tank parcel from South Coast Lumber.**

2. *Approval of contract amendment with Brown and Caldwell in the amount of \$59,250 and authorization for Mayor to sign contract amendment*  
Community Development Director Lightle explained the requested amended contract presented by Brown and Caldwell in the amount of \$59,250. Lightle responded to discussion and recommended Council approve the contract amendment.

**Councilor Dentino moved, Councilor Johns seconded, and the Council voted unanimously to approve the Brown and Caldwell contract amendment in the amount of \$59,250.00, and authorized Mayor Hagbom to sign the contract amendment on behalf of the City.**

#### **IX. CONSENT CALENDAR**

##### ***A. Approval of Council Meeting Minutes***

1. *Minutes of January 8, 2001, Regular Council Meeting*  
(end Consent Calendar)

**Councilor Johns moved, Councilor Kuhn seconded, and the Council voted unanimously to approve the consent calendar.**

#### **X. ORDINANCES/RESOLUTIONS/FINAL ORDERS**

##### ***A. Ordinances***

1. *No. 01-O-446.LL - in the matter of an ordinance amending Section 40, Public Open Space (P/OS District )of Ordinance 89-O-446, an ordinance creating the Land Development Code*  
This agenda matter was handled under Agenda Item No. V. B. previously.

##### ***B. Resolutions***

There were no resolutions

**XI. REMARKS FROM MAYOR AND COUNCILORS****A. *Council***

Councilor Johns had been contacted by the Pelican Bay Prison as to continuing as a City Liaison to their committee.

**B. *Mayor*****1. *Council Liaison Appointments***

Mayor Hagbom presented the new Council Liaison list and asked Council to contact him, if there were any questions.

**XII. ADJOURNMENT**

Council voted unanimously to adjourn the meeting at 8:07PM.

Respectfully submitted:

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Bob Hagbom  
MAYOR

ATTEST:

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Randy Reed  
Finance Director/City Recorder

**CITY OF BROOKINGS  
COMMON COUNCIL MEETING MINUTES  
City Hall Council Chambers  
898 Elk Drive, Brookings, OR 97415  
February 5, 2001  
7:00PM**

***I. CALL TO ORDER***

Mayor Bob Hagbom called the meeting to order at 7:02PM

***II. PLEDGE OF ALLEGIANCE***

Led by Councilor Curry

***III. ROLL CALL***

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

Council Absent: Frances Johns, excused

Staff Present: City Manager Leroy Blodgett, and Administrative Secretary Sharon Ridens

Media Present: none

Other: One citizen, applicant, Wayne Robinson

***IV. CONTINUED PUBLIC HEARING-from January 22, 2001***

- A. In the matter of Planning Commission File No. APP-1-01, an appeal to a Planning Commission decision that approved VAR-2-00, an application for a variance to the existing Claron Glen subdivision to deny public access to internal walkways and not require sidewalks on both sides of the street; Assessor's Map 40-13-31 CD, various tax lots; R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size) Zone. Wayne F. Robinson, appellant.*

Mayor Hagbom recited the reason for the public hearing and its continuance from January 22, 2001, as a quasi judicial public hearing. He



continued by stating due to the unavailability of City Attorney John Trew being at this public hearing, the City and applicant, Wayne Robinson, had agreed to continue the public hearing to February 12, 2001, which would be the regular scheduled City Council meeting. There were no questions or discussion. He asked for a motion.

**Councilor Curry moved, Councilor Dentino seconded, and the Council voted unanimously to continue the stated public hearing to February 12, 2001, at the regular scheduled City Council meeting.**

*V. ADJOURNMENT*

The meeting was adjourned by consensus at 7:05PM.

Respectfully submitted:

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Bob Hagbom  
Mayor

ATTEST:

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Randy Reed  
Finance Director/City Recorder

**PARK AND RECREATION COMMISSION MEETING**

November 16, 2000

**ROLL CALL**

Present: Fritz, Canfield, Kofoet, Blodgett, Mickelson, Shute, Johns, Prevanus. Excused absence: L. Williams.

**MINUTES**

A motion was made, (s) and passed 6-0, to approve the minutes of October 26, 2000 meeting as written.

**STOUT PARK**

Commissioner Shute reported that a water system is needed at the top of hill because this is a very dry area in Stout Park. City Manager Blodgett explained that in the budget the monies for Stout Park must all have a balance of \$15,000.00. Any monies above this amount can be spent.

**CHETCO POINT PARK**

Commissioner Mickelson reported that there is a need to spray the weeds at the park especially along the trails.

**SOFTBALL/SOCCER FIELDS**

Commissioner Prevanus reported that there is nothing new to report. There was a short discussion of any charges that could be made to use the fields. No action was taken.

**PARK MASTER PLAN**

Commissioner Fritz stated that he had nothing new to report. City Manager Blodgett handed out a Project Notification Form and explained that there is now monies available to finance the project.

**SKATE PARK**

There was no report

**SAY**

City Councilor Johns had nothing new to report.

**LIAISON REPORTS**

Commissioner Nina Canfield report that the Azalea Park Foundation had its annual meeting on 11/15/00 and the sitting board was reinstated. The attendance was very poor.

**STAFF ANNOUNCEMENT/ISSUES**

City Manager Blodgett explained the October 2000 budget.

There was a short discussion of fees and requirements for reservation of a park but no action was taken.

The Park and Recreation meeting dates for the year 2001 and they were agreeable.

A motion to adjourn was made--passed

Respectfully submitted-N. Canfield

11/20/00 - per Leo (CDD)  
A. Morris - Public Works

**MINUTES  
BROOKINGS PLANNING COMMISSION  
REGULAR MEETING  
December 5, 2000**

The regular meeting of the Brookings Planning Commission was called to order by Vice Chair Rick Dentino 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.

Jim Collis	Rick Dentino	John Bischoff, Planning Director
Fred Howe	Judi Krebs	Linda Barker, Secretary
Vikki Nuss	Richard Gyuro	

Commissioner Freeman was not present at the meeting.

**CHAIRPERSON ANNOUNCEMENTS**

**MINUTES**

By a 5-0 vote (motion: Commissioner Krebs, second: Commissioner Collis, Commissioners Gyuro abstaining as he was not present at the November 7 meeting) the Planning Commission approved the minutes of the November 7, 2000, regular meeting as corrected.

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

None

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

None

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

1. By a 5-1 vote (motion: Commissioner Nuss, second: Commissioner Howe; voting for: Commissioners Collis, Gyuro, Nuss, Howe and Dentino; voting against: Commissioner Krebs) the Planning Commission approved (File No. CUP-5-00) a request for a conditional use permit to construct and operate a 5,200 sq. ft. building to house Human Society offices, a cat shelter, 50+ dogs kennels, and maintenance facilities located at 828 Railroad Street; zoned I-P (Industrial Park); South Coast Humane Society, applicant; Donald J. McGehee, representative. The approval included changes in the conditions of approval as follows:
 

Condition 12 amended to read:	The city reserves the right to require sound baffling walls around the outdoor exercise area if noise levels consistently exceed 45 db at the property line.
Condition 27 amended to read:	The kennels and exercise yard shall be cleaned regularly and in such a manner that precludes odor and vector problems. The applicant shall provide evidence to the city, based on statements from experienced kennel operators, as to the best

surface material for the outdoor exercise yard to preclude odor and fecal matter building up and that material will be used in the exercise area.

Before the Public Hearing started all commissioners present declared ex parte contact due to a site visit. Commissioner Nuss also declared that she was a member of the South Coast Humane Society and that the humane society is a customer of her business but this caused no bias. There was no challenge from the audience as to the jurisdiction of the Commission to hear this request.

This action was taken following questions or comments regarding the request from the following:

Paul McLeod	17521 Ross Lane	Brookings Oregon
Buzz Hansen	97832 Titus Lane	Brookings Oregon
Lucy LaBonte	PO Box 1521	Gold Beach Oregon
Kathy Hartso	14757 Oceanview Drive	Brookings Oregon
Bruce Spotwood	761 Cottage Street	Brookings Oregon
Gary MacEachern	914 Midland Way	Brookings Oregon

The applicant waived his right to seven (7) additional days in which to submit written argument. The public hearing was closed at 8:10 p.m.

Discussion on this request centered around possible noise that would be generated by barking dogs.

2. By a 5-1 vote (motion: Commissioner Gyuro, second: Commissioner Nuss; voting for: Commissioners Nuss, Howe, Gyuro, Collis and Dentino; voting against: Commissioner Krebs) the Planning Commission approved the Final ORDER and Findings of Fact for File No. CUP-5-00 as amended.

The meeting was recessed at 8:40 p.m. and continued at 8:48 p.m.

3. By a 5-1 vote (motion: Commissioner Nuss, second: Commissioner Collis; voting for: Commissioners Krebs, Gyuro, Dentino, Collis and Nuss; voting against: Commissioner Howe) the Planning Commission approved as amended (File No. VAR-2-00) a request for a variance that would allow the homeowners association to close the walkways within the common area of the Claron Glen subdivision to the public while retaining sidewalks on one side of the street only; located between Hassett Street on the south and Brooke Lane on the north and from the first tier of lots on the west side of Third Street to the west boundary of the Brookings Meadow Subdivision; zoned R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size); Claron Glen Homeowners Association, applicant; William A. Boynton, representative. An additional condition of approval was included in the approval:

Condition No. 2: All landscaping within the common areas will be maintained in accordance with the provisions of the applicable city ordinances.

Before the public hearing began all commissioners present declared ex parte contact as a result of a site visit. Commissioners Nuss declared the Claron Glen Homeowners Association was a customer of her business and this caused no bias. Commissioner Gyuro declared the presenter and many in the audience were customers of his business and that this caused no bias. Commissioner Dentino declared many in the audience were his neighbors and friends and this caused no bias. There was no challenge from the audience to the Planning Commission's jurisdiction to hear this request.

This action was taken following questions or comments regarding the request from the following:

William Boynton	959 Timberline Drive	Brookings Oregon
Al Francis	930 Hidden Court	Brookings Oregon
Ken Burns	PO Box 967	Brookings Oregon
Gary MacEachern	914 Midland Way	Brookings Oregon
Jim Wilson	928 Midland Way	Brookings Oregon
Pam Schrum	924 Midland Way	Brookings Oregon
Debbie Hodges	955 Third Street	Brookings Oregon
Cyndi Crabtree	920 Midland Way	Brookings Oregon
Pam Wilson	928 Midland Way	Brookings Oregon
Richard Calkins	941 Helen Lane	Brookings Oregon
Nancy De Mond	957 Helen Lane	Brookings Oregon
Wayne Robinson	949 Helen Lane	Brookings Oregon
Joe Hodges	955 Third Street	Brookings Oregon

The applicant waived his right to seven (7) additional days in which to submit written argument. The public hearing was closed at 10:50 p.m.

Two motions died for a lack of a second. Commissioner Howe moved and Commissioner Gyuro seconded a motion to remand the request to the city council with a recommendation to find a solution that provided sidewalks on both sides of the street with the city sharing the cost of the solution. After discussion on the nature of the motion Commissioner Gyuro withdrew his second. Commissioner Krebs moved to add a second condition to the conditions of approval to require the removal or trimming of cypress trees that are impacting Brookings Meadows homeowners at the expense of Claron Glen Homeowners Association. This motion died for lack of a second.

4. By a 6-0 vote (motion: Commissioner Gyuro, second: Commissioner Nuss) the Planning Commission approved the Final ORDER and Findings of Fact for File No. VAR-2-00 as amended.
5. By a 6-0 vote (motion: Commissioner Nuss, second: Commissioner Krebs) the Planning Commission will send a favorable recommendation to the City Council in the matter of (Planning Commission File No. LDC-3-00) a city-initiated request to amend Section 88 of the Land Development Code, Sign Regulations, to provide for the display of "Welcome" flags from within the holes along the commercial area of Chetco Avenue.

During discussion on this request it was noted that flags located near crosswalks can cause hazards. Director Bischoff stated that wording of the code change reserves the right of the city to have any individual flag removed if it is considered to create a hazard or nuisance.

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

None

#### **UNSCHEDULED PUBLIC APPEARANCES**

None

#### **REPORT OF THE CITIZENS ADVISORY COMMITTEE**

None

#### **MESSAGES AND PAPERS FROM THE CITY MANAGER**

None

#### **MESSAGES AND PAPERS FROM THE MAYOR**

None

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

Director Bischoff reminded the Commissioners that election of new officers would take place at the end of the meeting.

He reported a sign was being made by a residence of the unnamed street off Marine to indicate the street addresses located on that street. It was determined a bush near the street would not cause a sight problem.

Bischoff stated that there is no city policy to paint stop bars at all intersections.

He noted he had seen sheds for sale on a bare lot on Chetco Avenue and he would be contacting the seller as this is in violation of the Land Development Code. He would also check to see if the seller has a business licence.

Carpenter Auto has installed a sight obscuring fence around its yard on Chetco Avenue and may consider landscaping.

In regards to complaints of the condition of property on Matot Street he stated that while the owner of the property has a conditional use permit to operate his business it is not for this piece of property and at this time the condition of the property, while messy, does not constitute a nuisance.

#### **PROPOSITIONS AND REMARKS FROM COMMISSION MEMBERS**

Commissioner Krebs asked if city staff has seen the blight ordinance the City of Crescent City is considering and whether the city should consider a similar ordinance.

Commissioners Howe presented a draft annual report. The commissioners will consider this draft for adoption at their next meeting for presentation to the City Council at the following Council meeting.

Officers for the calendar year 2001 were elected. For Chair, Commissioner Howe nominated Commissioner Gyuro. Commissioner Krebs seconded, and with no further nominations, closed the nominations. Commissioner Nuss nominated Commissioner Krebs for Vice-chair who declined the nomination. Commissioner Nuss then nominated Commissioner Freeman. Commissioner Collis seconded, and with no further nominations, closed the nominations.

#### **ADJOURNMENT**

There being no further business before the Planning Commission, the meeting was adjourned at 11:50 p.m.

Respectfully submitted,

#### **BROOKINGS PLANNING COMMISSION**

  
Richard Gyuro, Chair

City of Brookings

Check Register - Summary Report  
 GL Posting Period(s): 01/01 - 01/01  
 Check Issue Date(s): 01/01/2001 - 01/31/2001

Page: 1  
 Feb 02, 2001 08:35am

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01/01	01/04/2001	39944	148	B-H Chamber of Commerce	10-00-2005	1,602.90
01/01	01/04/2001	39945	110	Brookings Auto Parts	10-00-2005	12.92
01/01	01/04/2001	39946	313	Brookings Vol Firefighters	10-00-2005	2,083.33
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01/01	01/04/2001	39949	820	CMI Business Systems	10-00-2005	123.69
01/01	01/04/2001	39950	183	Colvin Oil Company	10-00-2005	1,401.95
01/01	01/04/2001	39951	182	Coos-Curry Electric	10-00-2005	699.38
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01/01	01/04/2001	39953	196	DHR Child Support Unit	10-00-2005	203.08
01/01	01/04/2001	39954	250	DHR Child Support Unit	10-00-2005	278.31
01/01	01/04/2001	39955	316	Donald & Roberta Chandler	10-00-2005	548.00
01/01	01/04/2001	39956	1129	Emporium Dept Store Brookings	10-00-2005	173.94
01/01	01/04/2001	39957	272	Glock, Inc	10-00-2005	511.60
01/01	01/04/2001	39958	616	John Adams	10-00-2005	220.00
01/01	01/04/2001	39959	262	Kim Hunnicutt Court Reporting	10-00-2005	20.00
01/01	01/04/2001	39960	121	Lane County RIS	10-00-2005	4,788.01
01/01	01/04/2001	39961	1015	Leroy Blodgett	10-00-2005	168.90
01/01	01/04/2001	39962	247	Mike Mahar	10-00-2005	1.72
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01/01	01/04/2001	39964	155	Mony's	10-00-2005	220.34
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01/01	01/04/2001	39966	1132	OR Department of Justice	10-00-2005	346.36
01/01	01/04/2001	39967	671	Oregon State Police - LEDS	10-00-2005	960.00
01/01	01/04/2001	39968	1116	Paco Pumps	10-00-2005	361.57
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01/01	01/04/2001	39972	214	Regence Life & Health Ins	10-00-2005	233.20
01/01	01/04/2001	39973	199	Richard Harper	10-00-2005	300.00
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01/01	01/04/2001	39976	213	Teamsters Local Union 223	10-00-2005	528.00
01/01	01/04/2001	39977	156	That Special Touch Florist	10-00-2005	50.00
01/01	01/04/2001	39978	413	The Telephone Man	10-00-2005	160.00
01/01	01/04/2001	39979	821	Toshiba America Info Systems	10-00-2005	310.00
01/01	01/04/2001	39980	136	United Pipe & Supply Co Inc	10-00-2005	102.13
01/01	01/11/2001	39981	1134	Adult Foster Care So Coast	10-00-2005	37.25
01/01	01/11/2001	39982	103	Amazing Computers	10-00-2005	3,802.50
01/01	01/11/2001	39983	174	Barbara Palicki	10-00-2005	203.00
01/01	01/11/2001	39984	146	Bay West Supply, Inc	10-00-2005	79.52
01/01	01/11/2001	39985	200	Bob Hagbom	10-00-2005	116.52
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01/01	01/11/2001	39989	178	Chetco Pharmacy & Gift	10-00-2005	199.50
01/01	01/11/2001	39990	1119	Cheyenne Livestock & Products	10-00-2005	1,237.28
01/01	01/11/2001	39991	182	Coos-Curry Electric	10-00-2005	11,831.89
01/01	01/11/2001	39992	173	Curry Equipment Company	10-00-2005	85.98
01/01	01/11/2001	39993		Information Only Check	10-00-2005	.00 V
01/01	01/11/2001	39994	166	Dan's Auto & Marine Electric	10-00-2005	359.89
01/01	01/11/2001	39995	130	Day-Timers Inc	10-00-2005	29.98
01/01	01/11/2001	39996	185	Del Cur Supply	10-00-2005	282.50
01/01	01/11/2001	39997	445	Dept of the Interior, USGS	10-00-2005	2,160.00

M = Manual Check. V = Void Check



City of Brookings

## Check Register - Summary Report

GL Posting Period(s) 01/01 - 01/01

Page: 2

Feb 02, 2001 08:35am

Check Issue Date(s): 01/01/2001 - 01/31/2001

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01/01	01/11/2001	40007	162	Kerr Hardware	10-00-2005	575.61
01/01	01/11/2001	40008	328	Les Schwab Tire Company	10-00-2005	67.46
01/01	01/11/2001	40009	102	MicroWarehouse	10-00-2005	476.86
01/01	01/11/2001	40010	596	Moore Medical	10-00-2005	23.75
01/01	01/11/2001	40011	911	Nancy Corrigan	10-00-2005	21.64
01/01	01/11/2001	40012	433	NCL of Wisconsin	10-00-2005	37.13
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01/01	01/11/2001	40018		Information Only Check	10-00-2005	.00 V
01/01	01/11/2001	40019		Information Only Check	10-00-2005	.00 V
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01/01	01/11/2001	40027	156	That Special Touch Florist	10-00-2005	25.00
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01/01	01/18/2001	40052	389	Cummins Northwest	10-00-2005	250.00
01/01	01/18/2001	40053	151	Curry Coastal Pilot	10-00-2005	308.20
01/01	01/18/2001	40054	326	Dave's Custom Canvas	10-00-2005	297.50

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City of Brookings

## Check Register - Summary Report

Page: 3

GL Posting Period(s): 01/01 - 01/01

Feb 02, 2001 08:35am

Check Issue Date(s): 01/01/2001 - 01/31/2001

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01/01	01/18/2001	40065	247	Mike Mahar	10-00-2005	43.28
01/01	01/18/2001	40066	424	Munnel & Sherrill	10-00-2005	786.38
01/01	01/18/2001	40067	910	OR Department of Justice	10-00-2005	115.38
01/01	01/18/2001	40068	1132	OR Department of Justice	10-00-2005	346.36
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01/01	01/18/2001	40082	136	United Pipe & Supply Co Inc	10-00-2005	219.90
01/01	01/18/2001	40083	906	Valley River Inn	10-00-2005	496.05
01/01	01/18/2001	40084	1148	Walter Meehan	10-00-2005	23.47
01/01	01/18/2001	40085	269	WW Grainger	10-00-2005	274.62
01/01	01/18/2001	40086	971	Yvonne Dunn	10-00-2005	44.98
01/01	01/26/2001	40087	817	Auto Additions, Inc	10-00-2005	104.00
01/01	01/26/2001	40088	256	B & B Excavation	10-00-2005	101.50
01/01	01/26/2001	40089	1156	Best Western Pony Soldier Inn	10-00-2005	451.26
01/01	01/26/2001	40090	148	B-H Chamber of Commerce	10-00-2005	225.00
01/01	01/26/2001	40091	354	Bill Pratt	10-00-2005	18.00
01/01	01/26/2001	40092	109	Buy.com	10-00-2005	96.91
01/01	01/26/2001	40093	370	CCIS	10-00-2005	40.00
01/01	01/26/2001	40094	183	Colvin Oil Company	10-00-2005	1,240.65
01/01	01/26/2001	40095	182	Coos-Curry Electric	10-00-2005	2,651.95
01/01	01/26/2001	40096	497	Curry County Computer Services	10-00-2005	50.00
01/01	01/26/2001	40097	958	Delaney's Bakery	10-00-2005	32.00
01/01	01/26/2001	40098	145	EBS Trust	10-00-2005	61.00
01/01	01/26/2001	40099	419	Enviro Technologies Int	10-00-2005	650.00
01/01	01/26/2001	40100	118	Franklin Covey	10-00-2005	112.30
01/01	01/26/2001	40101	1159	Gerald & Barbara Cleland	10-00-2005	9.55
01/01	01/26/2001	40102	198	Grants Pass Water Lab	10-00-2005	152.00
01/01	01/26/2001	40103	307	Industrial Steel & Supply Inc	10-00-2005	36.50
01/01	01/26/2001	40104	394	Internet Technologies Inc	10-00-2005	142.00
01/01	01/26/2001	40105	1151	Irene Davis	10-00-2005	16.50
01/01	01/26/2001	40106	1158	Jack & Christine Watrous	10-00-2005	9.64
01/01	01/26/2001	40107	1155	Kelly Howard	10-00-2005	22.36
01/01	01/26/2001	40108	202	League of Oregon Cities	10-00-2005	183.68
01/01	01/26/2001	40109	1157	Mr & Mrs Ray Todd	10-00-2005	9.92
01/01	01/26/2001	40110	283	Muffler & More	10-00-2005	28.00
01/01	01/26/2001	40111	911	Nancy Corrigan	10-00-2005	86.45

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City of Brookings

## Check Register - Summary Report

GL Posting Period(s): 01/01 - 01/01

Page: 4

Feb 02, 2001 08:35am

Check Issue Date(s): 01/01/2001 - 01/31/2001

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01/01	01/26/2001	40116	683	OR Assoc Chiefs of Police	10-00-2005	80.00
01/01	01/26/2001	40117	888	Paul's Floor Maintenance	10-00-2005	800.00
01/01	01/26/2001	40118	963	Randy Gorman	10-00-2005	45.00
01/01	01/26/2001	40119	169	Roto Rooter of Curry County	10-00-2005	82.00
01/01	01/26/2001	40120	1154	Russell & Janet Sisson	10-00-2005	37.48
01/01	01/26/2001	40121	380	Stadelman Electric	10-00-2005	464.45
01/01	01/26/2001	40122	1153	Terry & Bev Adams	10-00-2005	16.93
01/01	01/26/2001	40123	1020	Valley Electrical Contractors	10-00-2005	430.06
01/01	01/26/2001	40124	1113	Wayne Sheffield	10-00-2005	270.66
01/01	01/26/2001	40125	269	WW Grainger	10-00-2005	132.96
Totals:						<u>156,647.99</u>

ORGANIZATION	MEETING DATES AND TIMES	DATE APPOINTED	MEMBER DESIGNATE	TERM EXPIRES
<b>CITY OF BROOKINGS ORGANIZATIONS</b>				
Council - 4 yrs President Student Representative	Same as Council	January 11, 1999	Councilor Curry _____, Student Rep	Dec, 31, 2000 Sept. 1, 2001
Budget Committee - 3 yrs	As set by Council	March 13, 1995 February 9, 1998 _____ _____	_____, #3, Chr Virginia Byrtus, #4 L. Lee Rogers, #5 _____, #1 _____, #2	February 1, 2001 February 1, 2002 February 1, 2002 February 1, 2001 February 1, 2001
Parks & Recreation Commission - 4 yrs	Monthly on fourth Thursday at 7 P.M.	February 23, 1998  August 23, 1999 February 10, 1997 February 9, 1998  February 22, 1999 October 14, 1996	Councilor Johns, Liaison  _____, #5 Russ Fritz, #4 Craig Mickelson, #7-Ch Nina Canfield, #1  _____, #6 Lorraine Williams, #3 Paul Prevenas, #2 _____, Student Rep.	No Specific Term February 1, 2001 February 1, 2004 February 1, 2002 February 1, 2002 February 1, 2001 February 1, 2003 February 1, 2004 Sept. 1, 2001
Planning Commission - 4 yrs	Monthly on first Tuesday at 7 P.M.	June 12, 2000  March 27, 2000 March 16, 1987 March 9, 1998 January 10, 2000 March 27, 2000 December 11, 2000 March 22, 1999	Councilor Kuhn, Liaison Jim Collis, #2 Ted Freeman, Jr., #1 Ch Judi Krebs, #5 Richard Gyuro, #6 Alfred Howe, #3 Randy Gorman, #7 Vikki Nuss, #4	No Specific Term April 1, 2004 April 1, 2003 April 1, 2002 April 1, 2001 April 1, 2004 April 1, 2003 April 1, 2001

Systems Development Charge Review Board - 4 yrs	Quarterly on Tuesday afternoons	January 25, 1993  Nov. 11, 1997  October 31, 1998	Councilor _____, Liaison _____, #1 Larry Smith, #4 _____, #3 Tim Adsit, #5 _____, #2	No Specific Term October 31, 1999 October 31, 2001 October 31, 1999 October 31, 2002 October 31, 2000
<b>OTHER ORGANIZATIONS</b>				
Capital Improvements / Expenditures Committee		October 26, 1998	Mayor Hagbom	No Specific Term
Chetco Community Agencies	Meet on 1 <sup>st</sup> Wednesday of each month at Noon		Mayor Hagbom, Chair Full Council and City Manager	No Specific Term
Chetco River Watershed Council	First Wednesday of month 7:00 P.M., Chetco Ranger Station	September 26, 1994	Mayor Hagbom, Alt: Councilor Curry	No Specific Term
Coos-Curry-Douglas Business Development Corp.	Meet monthly on a Thursday morning in Coquille	June 13, 1994	Councilor Curry	No Specific Term
Coos-Curry-Douglas Rural Investment Board	Sub Comm meets 3rd Monday evening of month in Curry Co. Annex Board meets last Thursday morning of month in Coquille	February 1, 2001	City Manager Blodgett	2-year Term
Curry County Recycling Committee	Meet second Thursday of month in afternoon in Gold Beach	February 10, 1997	Ken Burns	No Specific Term
Curry County Solid Waste Advisory Committee	Meet in Gold Beach as called		City Manager	No Specific Term
Curry Governments	Second Wednesday every other month beginning in January at 7:00PM in Gold Beach City Hall		Mayor, Full Council and City Manager	No Specific Term

OTHER ORGANIZATIONS- Continued				
Harbor Sanitary District	Meets monthly on Tuesday evening at HSD at 7:30 P.M.	January 25, 1993	Councilor Dentino, Liaison Alt: Mayor Hagbom	No Specific Term
H.O.P.E. - Healthy Opportunities for a Positive Environment	Meet 2 <sup>nd</sup> Tuesday of month in Council Chambers at 3PM	February 12, 2001	Councilor Kuhn	No Specific Term
LOC Government Standing Committee	As Set by LOC	November 15, 1995	Mayor Hagbom	No Specific Term
LOC Legislative Committee	As Set by LOC	November 15, 1995	Mayor Hagbom	No Specific Term
OCZMA/ODOT Coastal Policy Advisory Committee on Transportation (CPACT)	As set by CPACT	April 24, 1995	Councilor Curry Alt: Mayor Hagbom	No Specific Term
Oregon Coastal Zone Management Association	Meet on Thursdays and Fridays - usually in Newport or Salem	Sept. 9, 1996	Councilor Curry Alt: Mayor Hagbom	No Specific Term
Pelican Bay Prison Advisory Council	2 <sup>nd</sup> Wednesday of every other even numbered month	February 22, 1999	Councilor Johns, Liaison	No Specific Term
Port of Brookings-Harbor	Monthly on third Wednesday at 7PM	June 12, 2000	Councilor Dentino, Liaison	No Specific Term
School Board (District 17C)	Monthly on third Monday	February 23, 1998	Councilor Johns, Liaison	No Specific Term
Senior Center Board	Meet 1 <sup>st</sup> Thursday of each month at Noon		Mayor Hagbom	No Specific Term
Skate Park Committee	As set by Council & Committee	August 7, 2000	Councilor Johns, Liaison Russ Johnson, Chair	No Specific Term



OTHER ORGANIZATIONS- Continued				
Southern Oregon Watershed Coordinating Council		January 14, 1994	Mayor Hagbom Alt: Councilor Curry	No Specific Term
Southwestern Oregon Community Action Committee	2 <sup>nd</sup> Tuesday of the month at 6:30 pm in Coos Bay	February 9, 1998	Gerry Livingston	No Specific Term
50 <sup>th</sup> Birthday Celebration Committee	As set by Council & Committee	December 13, 2000	Councilor Kuhn, Chair	No Specific Term
Proposed Downtown Development Committee	As set by Council & Committee after formed	February 12, 2001	Councilor Dentino, Liaison	No Specific Term

## BUILDING DEPARTMENT ACTIVITIES SUMMARY

For Month of January 2001

No.	Building	Permit Fee	Plan Check Fee	Surcharge	SDF's	Value Current Month	No. to Date	Total to Date	No. Last Yr	Total Last Year
3	Single Family Dwelling	\$2,029.00	\$1,318.85	\$0.00	\$13,401.00	\$590,141.00	3	\$590,141.00	1	\$162,637.00
1	Single Family Addition	\$56.50	\$36.73	\$3.96	\$0.00	\$6,000.00	1	\$6,000.00	0	\$0.00
2	Single Family Garage-Carport	\$108.50	\$70.53	\$7.60	\$0.00	\$12,276.80	2	\$12,276.80	0	\$0.00
0	Two Family Residential	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	Multi-Family Residential Apts	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	Commercial New	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	Commercial Addition-Change	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	2	\$12,495.00
0	Churches	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	School Repair-Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	Building Removal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	1	\$0.00
0	Misc.-Retaining Wall-Fence	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
6	Total Building Permits	\$2,194.00	\$1,426.11	\$153.58	\$13,401.00	\$608,417.80	6	\$608,417.80	4	\$175,132.00
5	Mechanical Permits	\$118.85	N/A	\$8.32		N/A	5	N/A	7	N/A
5	Plumbing Permits	\$238.00		\$16.66	\$0.00	N/A	5	N/A	1	N/A
1	Manufactured Home Permits	\$160.00		\$11.20	\$4,467.00	N/A	1	N/A	0	N/A
17	TOTAL PERMITS	\$2,710.85	\$1,426.11	\$189.76	\$17,868.00	\$608,417.80	17	\$608,417.80	12	\$175,132.00
	Total Year to Date Calculated Fees	\$2,710.85	\$1,426.11	\$189.76	\$17,868.00					
	2000 YTD Calculated Fees	\$893.10	\$461.16	\$62.52	\$4,467.00					

In December, 2000 Harbor issued permits for 1.0 EDUs.

During the Month of January 2001, Brookings issued permits for 4.00 new sewer connections. The City of Brookings now has 424.76 EDU Units connected to the Brookings Wastewater System since the signing of the MAO.