

VAULT COPY

Agenda
City of Brookings
Common Council Meeting
City Hall Council Chambers
898 Elk Drive
Brookings, OR 97415
September 27, 1999
7:00pm



in Brookings, Oregon

agenda

CITY OF BROOKINGS
COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
September 27, 1999
7:00 p.m.

- I. CALL TO ORDER - green
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS - tan
 - A. Proclamations
 1. Oregon Disabilities Commission's annual observance of Disability Employment Awareness during the month of October '99
- V. PUBLIC HEARING - salmon
 - A. In the matter of Planning Commission File No. LDC-5-99, an amendment to the Land Development Code to add Section 16B, Wireless Telecommunications Facilities, and to amend Section 40, Public Open Space (P/OS) District; Section 52, General Commercial (C-3) District; Section 64, Industrial Park (I-P) District; and Section 68, General Industrial (M-2) District, to allow telecommunication facilities, as a conditional use or in conjunction with other facilities, city initiated.
- VI. SCHEDULED PUBLIC APPEARANCES
- VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE
 - A. Committee and Liaison reports
 1. Chamber of Commerce
 2. Businesses for a Better Brookings
 3. Port of Brookings-Harbor
 4. Parks & Recreation Commission
 5. Planning Commission
 6. Council Liaisons

B. *Unscheduled*

VIII.

STAFF REPORTS

- A. *Finance Department - golden rod*
 - 1. *Summer Recreation Program Report*
- B. *City Manager - pumpkin*
 - 1. *Falcon Cable Extension*
 - 2. *Liquor License Application / Change of ownership - Rubio's*
- C. *Fire Department - ivory*
 - 1. *Fire Chief's Vehicle*

IX.

CONSENT CALENDAR - white

- A. *Approval of Council Meeting Minutes*
 - 1. *Minutes of September 13, 1999, Regular Council Meeting*
- B. *Acceptance of Planning Commission Minutes*
 - 1. *Minutes of June 3, 1999, Special Planning Commission Meeting*
 - 2. *Minutes of August 3, 1999, Regular Planning Commission Meeting*

(end Consent Calendar)

X.

ORDINANCES/RESOLUTIONS/FINAL ORDERS

- A. *Ordinances - salmon*
 - 1. *Approval of Ordinance No. 99-O-446.GG, an amendment to add Section 168, Wireless Telecommunications Facilities, to the Land Development Code, and to also amend Section 40, Public Open Space (P/OS) District, to allow wireless telecommunications facilities as a permitted use on towers operated by a public entity; to amend Section 52, General Commercial (C-3) District; Section 64, Industrial Park (I-P) District; and Section 68, General Industrial (M-2) District, to allow wireless telecommunication facilities including towers up to 100 feet in height as a conditional use or in conjunction with other facilities.*
- B. *Resolutions*

XI.

REMARKS FROM MAYOR AND COUNCILORS

- A. *Mayor*
- B. *Council*

XII.

ADJOURNMENT

Q of 9/23/99

CC= Council Chambers or City Council
FH=Fire Hall
VIPS=Volunteers in Police Service
SAY=Swim All Year-Cover Pool Com

PC=Planning Comm	5	1
BPD=BrkgsPolice Dept	22	2
Muni=Municipal	29	3
PROUD=Pstive Revltlzn of Urban Dwntwn Com		

OCTOBER 1999

As of 9/23/99

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
CC= Council Chambers or City Council FH=Fire Hall VIPS=Volunteers in Police Service SAY=Swim All Year-Cover Pool Com		PC=Planning Comm BPD=BrkgsPolice Dept Muni=Municipal PROUD=Pstive Revtlzn of Urban Dwntwn Com				
	9:00am CC-VIPS/Volunteers in Police Service-BPalicki 7:00pm CC-Joint CC/17C Schl Dist Brd Study Sessn Mtg 7:00pm FH-FireTrng/ChShrp	7:00pm CC-Planning Comm reg mtg/JBischoff	12:00pm CC-Community Agencies mtg 7:00pm FH-PoliceReserves	8:15am FH-CmtyDevDpt Staff mtg/LLightle 9:00am CC-Crime Stoppers/Police Dept 6:30pm CC-Brkgs Ctzn Police Acdmy #7/Invstigtns- DetBishop		
	7:00pm CC-Council Mtg 7:00pm FH-FireTrng/ChShrp		2:30pm FH-SafetyCom. Mtg/HThmpson	8:15am CC-CmtyDevDpt Staff mtg/LLightle 6:30pm CC-Brkgs Ctzn Police Acdmy #7/Invstigtns- DetBishop		
	Columbus Day					National Boss Day
	9:00am CC-VIPS/Volunteers in Police Service-BPalicki 11:00am CC-Municipal Court/JdgHarper 7:00pm FH-FireTrng/ChShrp	1:00pm CC-BPD: Trng/BPalicki 6:30pm CC-Brkgs Ctzn Police Acdmy #7/Court Systm-Dpty DA	6:00pm FH-Subrbrn Fire Dist Mtg/RexAtwell	8:15am CC-CmtyDevDpt Staff mtg/LLightle		
	7:00pm CC-Council Mtg 7:00pm FH-FireTrng/ChShrp	7:00pm CC-Joint City Council & Planng Comm-Public Facilities Mtg	6:30pm CC-Brkgs Ctzn Police Acdmy #7 /ParolePrbtin JvSystm-TBA	8:15am CC-CmtyDevDpt Staff mtg/LLightle 7:00pm CC-Parks & Rec Comm/CMickelson		
			SEPTEMBER 1999 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		NOVEMBER 1999 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	
Daylight Savings Ends						

NOVEMBER 1999

As of 9/23/99

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	9:00am CC-VIPS/Volunteers in Police Service-BPalicki 7:00pm FH-FireTrng/ChShrp	7:00pm CC-Planning Comm reg mtg/JBischoff	12:00pm CC-Community Agencies mtg 7:00pm FH-PoliceReserves	8:15am FH-CmtyDevDpt Staff mtg/LLightle 9:00am CC-Crime Stoppers/Police Dept 6:30pm CC-Brkgs Citzn Police Acdmty #7/Prison Sysms-SgtMcKenny/Pelican Bay Prsn		
	7:00pm CC-Council Mtg 7:00pm FH-FireTrng/ChShrp		2:30pm FH-SafetyCom. Mtg/HThmpson	8:15am CC-CmtyDevDpt Staff mtg/LLightle 6:30pm CC-Brkgs Citzn Police Acdmty #7/Schl Resrce Off, Hazmat-OfcsDisn/Picki		
	9:00am CC-VIPS/Volunteers in Police Service-BPalicki 11:00am CC-Municipal Court/JdgHarper 7:00pm FH-FireTrng/ChShrp	6:30pm CC-Brkgs Citzn Police Acdmty #7/K-9Units, Ovrvw-SgtWilce,DetGrdner	6:00pm FH-Subrbn Fire Dist Mtg/RexAtwell 6:30pm CC-Seatbelt Class-PD /B.Palicki	8:15am CC-CmtyDevDpt Staff mtg/LLightle 7:00pm CC-Parks & Rec Comm/CMickelson		
	7:00pm CC-Council Mtg 7:00pm FH-FireTrng/ChShrp	6:30pm CC-Brkgs Citzn Police Acdmty #7/Cal/Or Amblnce/EMT-KenWood		8:15am CC-CmtyDevDpt Staff mtg/LLightle 9:00am City Hall CLOSED	9:00am City Hall CLOSED	
	7:00pm FH-FireTrng/ChShrp					

OCTOBER 1999							DECEMBER 1999						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1	2				1	2	3	4
3	4	5	6	7	8	9	5	6	7	8	9	10	11
10	11	12	13	14	15	16	12	13	14	15	16	17	18
17	18	19	20	21	22	23	19	20	21	22	23	24	25
24/31	25	26	27	28	29	30	26	27	28	29	30	31	

CC= Council Chambers or City Council
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Muni=Municipal
PRRID=Positive Revltzn of Urban Dwnwn Com



Oregon

John A. Kitzhaber, M.D., Governor

Disabilities Commission

1257 Ferry Street SE

Salem, OR 97310

(503) 378-3142 V/TTY

1-800-358-3117 V/TTY

(503) 378-3599 FAX

July 1, 1999

The Honorable Nancy Brendlinger
Mayor, City of Brookings
898 Elk Drive
Brookings, OR 97414

Dear Mayor Brendlinger:

While we are celebrating the long-awaited summer, it seems as though the autumn months are far away. Yet, plans are underway for the Oregon Disabilities Commission's annual observance of Disability Employment Awareness Month in October.

As you will recall, each year we ask mayors of Oregon cities to proclaim October as Disability Employment Awareness Month in their city. I have enclosed a sample proclamation for your use. You may choose to use it or to draft one specifically for your city. I hope you will be able to join us in observing October again this year.

This year we have much to recognize. Oregon became the only state in the nation to amend its state Medicaid Plan to facilitate persons with disabilities securing competitive employment. Here in Oregon we are working hard to help persons with disabilities to become independent taxpayers. Oregon is a model for the nation.

We would like very much for you to send us a copy of your proclamation.. In October we hold an annual recognition program for persons with disabilities, the programs that serve them and advocates. At the State Capitol, we display the proclamations of cities that are partnering with us in observing Disability Employment Awareness Month.

Thank you for your attention to my request.

Sincerely,

Eugene Organ
Executive Director

received

PROCLAMATION

WHEREAS, 20% of the population of the United States of America is comprised of people with disabilities; and

WHEREAS, the current unemployment rate for adults with disabilities exceeds 70%; and

WHEREAS, the State of Oregon has demonstrated its commitment to the employment of adults with disability through an Employment Initiative being administered by the Senior and Disabled Services Division and the Vocational Rehabilitation Division; and

WHEREAS, President Clinton has established a Task Force on the Employment of Adults with Disabilities in the nation; and

WHEREAS, Congress has declared October, 1999, Disability Employment Awareness Month and called upon all Americans to recognize efforts to employ adults with disabilities;

NOW, THEREFORE BE IT RESOLVED THAT I, Bob Hagbom, Mayor of the City of Brookings, hereby proclaim October, 1999 as

***"DISABILITY EMPLOYMENT
AWARENESS MONTH IN BROOKINGS"***

AND FURTHER, I call upon the residents of Brookings to observe the month by learning more about people with disabilities, their strengths and abilities and the programs which serve their needs.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Brookings to be affixed this _____ day of September, 1999.

Bob Hagbom
Mayor

CITY OF BROOKINGS CITY COUNCIL
STAFF REPORT

SUBJECT: Ordinance Amendment
FILE NO: LDC-5-99
HEARING DATE: September 27, 1999

REPORT DATE: July 28, 1999
ITEM NO: V.1

GENERAL INFORMATION

APPLICANT: City initiated.

REPRESENTATIVE: Staff.

REQUEST: An amendment to the Land Development Code to add Section 168, Wireless Telecommunications Facilities, to the Land Development Code and to amend Section 40, Public Open Space (P/OS) District; Section 52, General Commercial (C-3) District; Section 64, Industrial Park (I-P) District; and Section 68, General Industrial (M-2) District, to allow telecommunication facilities including towers up to 100 feet in height as a conditional use or in conjunction with other facilities.

TOTAL LAND AREA: City Wide.

PUBLIC NOTICE: Published in local news paper.

BACKGROUND INFORMATION

At their August 3, 1999 regular meeting the Planning Commission heard this city initiated amendment to the provisions of the Land Development Code. After much testimony concerning the provision to allow placing a wireless telecommunication facility on a tower operated by a public entity in the P/OS (Public Open Space) Zone, the commission, on a 4 to 1 vote recommended approval of the amendments with the following changes:

- Remove the C-3 (General Commercial) zone from those which allow these facilities.
- In Section 168.050.B, Abandoned Towers, the Planning Commission recommended that they be the authority to allow an extension of time to remove an abandoned tower.
- To include wording in Section 168.040 to address the maximum height of the tower. (This is addressed in both the attached staff report and in the proposed ordinance.)
- To include wording in Section 168.040.E to require sight obscuring fencing. (This is addressed in both the attached staff report and in the proposed ordinance.)
- Address who is responsible for the removal of an abandoned tower and explore the possibility of pre-bonding for the removal of the tower. (The phrase "by the operator" has been added to Section 168.050.B. Staff has discussed the

concept of pre-bonding for the removal of an abandoned tower with the City Attorney. He indicated that while this may be desirable, it may not be particularly workable. He raised the question of who would write such a bond, what would be the life of the bond, and would the amount of the bond be sufficient after a ten or twenty year period?.

The Planning Commission Staff Report is attached to this report. All of the changes to the staff report resulting from recommendations of the Commission are in *italics*. The attached ordinance (99-0-446.GG) has been written to reflect the changes recommended by the Planning Commission. In the event the Council desires to keep the C-3 Zone as a location for these facilities, staff has also prepared an ordinance to that effect.

CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: Ordinance Amendment
FILE NO: LDC-5-99
HEARING DATE: August 3, 1999

REPORT DATE: July 28, 1999
ITEM NO: 8.4

GENERAL INFORMATION

APPLICANT: City initiated.

REPRESENTATIVE: Staff.

REQUEST: An amendment to the Land Development Code to add Section 168, Wireless Telecommunications Facilities, to the Land Development Code and to amend Section 40, Public Open Space (P/OS) District; Section 52, General Commercial (C-3) District; Section 64, Industrial Park (I-P) District; and Section 68, General Industrial (M-2) District, to allow telecommunication facilities including towers up to 100 feet in height as a conditional use or in conjunction with other facilities.

TOTAL LAND AREA: City Wide.

PUBLIC NOTICE: Published in local news paper.

BACKGROUND INFORMATION

In recent months there has been increased interest in placing a wireless telecommunications facility in the city. In response to this the city has attempted to accommodate this interest within the bounds of the existing ordinances. The attempt by the City to construct a new 150 foot 911 tower and to place a cellular facility on that tower has been appealed to LUBA, *Vern Garvin v. City of Brookings*, LUBA No. 99-075. A conditional use permit for a cellular facility was denied because the existing ordinances do not specifically define telecommunication towers and only allowed antennas and aerials to 60 feet in height. Recognizing that more applications for cellular facilities would be submitted in the future, the city staff, with the advise of the City Attorney, began the process of creating a wireless telecommunications ordinance for the city.

The staff has created the following ordinance to be included in the Land Development Code as Section 168, Wireless Telecommunication Facilities. The City Attorney has reviewed and made recommendations as the work proceeded. The following is the draft ordinance.

Staff is also recommending that Sections 52, General Commercial; 64; Industrial Park; and 68, General Industrial, be amended to allow wireless telecommunications as a conditional use pursuant to Section 168. Staff is also recommending the Section 40, Public Open Space, be amended to allow wireless telecommunications facilities as a permitted use, pursuant to Section 168, in conjunction with a tower operated by a public entity.

SECTION 168
WIRELESS TELECOMMUNICATIONS FACILITIES

Sections

Section 168.010	Purpose
Section 168.020	Definitions
Section 168.030	Application
Section 168.040	Siting Criteria
Section 168.050	Abandoned Towers
Section 168.060	Severability

Section 168.010 Purpose. The purpose of this section is to provide criteria to regulate the siting and operation of Wireless Telecommunication facilities within the City of Brookings, that meet the provisions of federal law and do not unreasonably discriminate among wireless telecommunications providers .

Section 168.020 Definitions. For the purposes of this section the following definitions will apply:

Antenna. A device commonly in the form of a metal rod, wire panel or dish, for transmitting or receiving electromagnetic radiation. An antenna is typically mounted on a supporting tower, pole, mast or building.

Collocation. The placement of two or more antenna systems or platforms by separate FCC license holders ("providers") on a structure such as a tower, building, water tank or utility pole.

Stealth Capabilities. The use of camouflage techniques to disguise or minimize the visual impact of a tower or antennas (i.e., located in conjunction with a church, steeple, stadium lighting, made to look like a tree or flag-pole, etc.)

Wireless Telecommunication. The transmission, via radio frequency electromagnetic waves, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Wireless Telecommunication Facility. An unmanned facility for the transmission and reception of radio frequency (RF) signals; usually consisting of an equipment shelter, cabinet or other enclosed structure containing electronic equipment, a support structure (tower), antennas or other, transmission and reception devices.

Wireless Telecommunication Provider. A person or company in the business of offering telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

Wireless Telecommunications Tower. Means a structure more than ten feet tall, built primarily to support one or more telecommunications antennas.

Section 168.030 Application.

An application for a Wireless Telecommunications Tower shall be made and processed pursuant to Section 140, Conditional Use Permit, of this code, except when in the Public Open Space Zone as allowed in Section 40, Public Open Space (P/OS) District, of this code.

Section 168.040 Siting Requirements.

- A. Height. The maximum *tower* height shall not exceed 100 feet from the finished grade at the base of the tower.
- B. Front, side and rear yard setbacks. Front and yard setbacks shall be determined by the underlying zone in which the tower is to be placed.
- C. Construction: All new wireless telecommunication towers shall be of a monopole structure. Where possible new towers will be located in such a manner that they blend in with the background around them.

If the new wireless telecommunications facility is to be collocated on an existing non-monopole tower, the design of any antenna(s), accessory structures or equipment shall, to the extent possible, use materials colors and textures that will match the existing tower structure to which the equipment of the collocating provider is being attached.

- D. Collocation. New towers shall be constructed so as to allow at least two or more users to collocate on the facility. If collocation is not possible, all applications shall include findings which demonstrate why it is not possible.
- E. Fencing and security. For security purposes, towers and accessory facilities shall be enclosed by a minimum eight-foot (8') *sight obscuring* fence.
- F. Lighting. No lighting shall be permitted on a tower except as required by the F.A.A.
- G. Advertising/Signs. No advertising or signs of any type are to be placed on the tower at any time except those required or necessary for safety and warnings.
- H. Landscaping. All sites shall be landscaped pursuant to the requirements of the underlying zone. Towers located in the C-3 (General Commercial), P/OS (Public Open Space) and I-P (Industrial-Park) zones will also include site obscuring landscaping around the security fence. The Planning Commission may require additional landscaping as a condition of approval.

Section 168.050 Abandoned Towers

- A. Wireless telecommunication towers that do not have functioning antennas for a period of six (6) months shall be considered to be abandoned and shall be removed *by the operator* within 60 days thereafter. *(The Commission asked staff to explore the concept of a bond or other mechanism to pay for removal if necessary)*

- B. Upon written application, prior to the expiration of the six month period, the ~~Planning Director?~~ Planning Commission? ~~City Council?~~ may, in writing, grant a six-month time extension for reuse of the facility. Additional extensions beyond the first six-month extension may be granted by the Planning Director subject to any conditions required to bring the project or facility into compliance with current regulation(s) and make it compatible with surrounding development.

Section 168.060 Severability.

That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause or phrase of this ordinance.

RECOMMENDATION

Staff recommends **APPROVAL** of Case File No. LDC-5-99.

Memorandum

TO: Mayor & Council
THRU: Tom Weldon, City Manager *TW/pr*
FROM: Gail L. Hedding, Finance Director/Recorder *Gail*
DATE: September 23, 1999
RE: Summer Recreation Program



Issue: The Summer Recreation Program for the 1999 year is complete.

Synopsis Michelle Kalina, Summer Recreation Program Administrator has prepared a report summarizing the program and participants for the summer of 1999. Each of you have received a copy of the report for review. I have asked Michelle to speak at the Council meeting providing a verbal summary of the program results.

Recommendation

No action necessary. Just an opportunity to hear about the Summer Recreation Program and provide any input you may have to Michelle and myself.

Memorandum



TO: Mayor, City Council
FROM: City Manager Tom Weldon
DATE: September 22, 1999

Issue: Extension of City's Cable TV franchise with Falcon Cable

Background:

1. Our franchise extension with Falcon will expire October 9, 1999.
2. Nancy Brendlinger, Council Liaison to the Falcon Cable TV Negotiations and I have been working with Curry County officials and our joint consultant on this matter in developing a proposed new franchise.
3. That proposed new franchise is still a "work in progress", that is, it is not finished.
4. We have agreed with Falcon Cable to extend the franchise 60 days.
5. Curry County has also been asked and will approve extending their franchise.

Recommendation: Extend Falcon Cable's franchise 60 days by authorizing Mayor to sign attached extension form.

Options: Listed below are options we have reviewed and are not recommending.

Not extending franchise.

AGREEMENT TO EXTEND THE FALCON CABLE TV FRANCHISE IN THE CITY OF BROOKINGS

This agreement is entered into by and between the City of Brookings, a Political Subdivision of the State of Oregon, and Falcon Cable TV, as follows:

WHEREAS, the extension of the non-exclusive franchise agreement granted by the City of Brookings to Falcon Cable TV for cable television installation, construction, operation, and maintenance of a cable television system in the City of Brookings expires October 9, 1999; and

WHEREAS, to allow additional time for the negotiation of a new franchise, the Council deems it in the public interest to extend the current franchise for a period of 60 days;

NOW, THEREFORE, IT IS HEREBY AGREED by and between the parties that the franchise agreement between them embodied by Ordinance No. 83-O-380 as amended by Ordinance No. 420, a copy of which is attached, be continued on the same terms and conditions until December 9, 1999.

CITY OF BROOKINGS:

Bob Hagbom
Mayor

Date

FALCON CABLE TV:

Authorized Representative

Date

Ken Lewis
Chief of Police

POLICE DEPARTMENT

City of Brookings

898 Elk Drive
Brookings, Oregon 97415
(541) 469-3118 - Fax (541) 412-0253



TO: Mayor
City Council

THROUGH: Tom Weldon, City Manager

FROM: Ken Lewis, Chief of Police

A handwritten signature in black ink, appearing to be "KPL", is written over the "FROM" line.

SUBJECT: LIQUOR LICENSE

DATE: June 5, 1999

Attached for your consideration are copies of a liquor license from:

Licensee(s): Angele E and Bryan T Holm

Trade name: Rubio's Restaurant,
1136 Chetco Ave. PO Box 877, Brookings, Or. 97415

The Police Department has reviewed the request and has no objections to the granting of the renewal.

APPLICATION

STATE OF OREGON
OREGON LIQUOR CONTROL COMMISSIONReturn To: OLCC #
1860 Virginia 10
N. Bend, OR
97459

GENERAL INFORMATION

non-refundable processing fee is assessed when you submit this completed form to the Commission (except for Druggist and Health Care Facility licenses). The filing of this application does not commit the Commission to the granting of the license for which you are applying nor does it permit you to operate the business named below.

(THIS SPACE IS FOR OLCC OFFICE USE)

Application is being made for:

- ☐ DISPENSER, CLASS A
☐ DISPENSER, CLASS B
☒ DISPENSER, CLASS C
☐ PACKAGE STORE
☐ RESTAURANT
☐ RETAIL MALT BEVERAGE
☐ SEASONAL DISPENSER
☐ WHOLESALE MALT BEVERAGE & WINE
☐ WINERY

- ☐ Add Partner
☐ Additional Privilege
☐ Change Location
☒ Change Ownership
☐ Change of Privilege
☐ Greater Privilege
☐ Lesser Privilege
☐ New Outlet
☐ Other

OTHER: _____

Received OLCC
9/19/99
Rec # 6658
#302

(THIS SPACE IS FOR CITY OR COUNTY USE)

NOTICE TO CITIES AND COUNTIES: Do not consider this application unless it has been stamped and signed at the left by an OLCC representative.

THE CITY COUNCIL, COUNTY COMMISSION, OR COUNTY _____

COURT OF _____
(Name of City or County)

RECOMMENDS THAT THIS LICENSE BE: GRANTED _____

DATE _____ DENIED _____

BY _____
(Signature)

TITLE _____

SIGN
HERE

AUTION: If your operation of this business depends on your receiving a liquor license, OLCC cautions you not to purchase, remodel, or start construction until your license is granted.

1. Name of Corporation, Partnership, or Individual Applicants:

- 1) Angèle E. Holm 2) Bryant T. Holm
 3) _____ 4) _____
 5) _____ 6) _____

(EACH PERSON LISTED ABOVE MUST FILE AN INDIVIDUAL HISTORY AND A FINANCIAL STATEMENT)

2. Present Trade Name Rubios Restaurant3. New Trade Name Rubios Restaurant Year filed _____
with Corporation Commissioner4. Premises address 1136 Chetco Ave Brookings, OR 97415
(Number, Street, Rural Route) (City) (County) (State) (Zip)5. Business mailing address P.O. Box 6146 Brookings, OR 97415
(P.O. Box, Number, Street, Rural Route) (City) (State) (Zip)6. Was premises previously licensed by OLCC? Yes ☒ No _____ Year _____7. If yes, to whom: Rubios Inc John Doering, Eileen Gordon Type of license: DC8. Will you have a manager: Yes _____ No ☒ Name _____
(Manager must fill out Individual History)9. Will anyone else not signing this application share in the ownership or receive a percentage of profits or bonus from the business? Yes _____ No ☒10. What is the local governing body where your premises is located? Curry County
(Name of City or County)11. OLCC representative making investigation may contact: Angèle E. Holm
(Name)17686 Rainbow Rock Rd. P.O. Box 684 Brookings, OR home-541-469-9071
(Address) (Tel. No. — home, business, message)

AUTION: The Administrator of the Oregon Liquor Control Commission must be notified if you are contacted by anybody offering to influence the Commission on your behalf.

DATE 9-8-99Applicant(s) Signature
(In case of corporation, duly
authorized officer thereof)

- 1) Angèle E. Holm
 2) Bryant T. Holm
 3) _____
 4) _____
 5) _____
 6) _____

CRIMINAL HISTORY
HOUSE DISCLOSURE

STATE OF OREGON
OREGON LIQUOR CONTROL COMMISSION

TRADE NAME Kulima
CITY/COUNTY Brookings - Oregon

You must fill in all the blanks. If the question does not apply write N/A in the space.

Name Holm Angèle E
(Last) (First) (Middle)
Other names used None
(Maiden) (Other)
Home Address 17686 Rainbow Rock Rd. Brookings, OR. 92415
(Number and Street) (City) (State) (Zip)
SSN 567-82-3010 Place of Birth Indonesia Date of Birth 4-26-50
Sex F Height 4'11 Weight 125 Hair Color Grey Eye Color BRN Age 49
3. US Citizen: Yes No Alien Reg. # AD12771217 Spouse Name Bryan T. Holm
Home phone 541-469-9071 Business phone 541-469-4919

CRIMINAL RECORD

OLCC makes a criminal offender records check through the Oregon State Police on all liquor license applicants.
RS 181.555(3) provides that you can contact the Oregon State Police or challenge inaccurate criminal offender information. OLCC may require fingerprints.

1. Have you ever been convicted of any crime, violation, or infraction of any law? Include probation or bail forfeiture. (Include traffic violations for which a fine or bail forfeiture of more than \$50.00 was imposed.)
Yes No X
Do you have arrests or citations pending? Yes No X
2. If you have answered "Yes" to 8 or 9 list below:
- | OFFENSE | DATE | CITY & STATE | RESULT |
|---------|------|--------------|--------|
| | | | |

(ATTACH ADDITIONAL SHEET IF NECESSARY)

DIVERSION/TREATMENT

1. Have you ever entered into a Diversion Agreement? Yes No X
Where and When? Brookings - approx. 1985
2. Have you ever been treated or in a treatment program for alcohol or other drug use/abuse? Yes No X
Where and When?

EMPLOYMENT & RESIDENCE HISTORY

3. List current and former employers or occupations during the past ten years:
- | Dates by Month/Year | Employer or Business | Occupation | City & State |
|---------------------------------|---------------------------|------------|----------------------|
| From <u>1988</u> To <u>1999</u> | <u>Rubio's Restaurant</u> | <u> </u> | <u>Brookings, OR</u> |
| From <u> </u> To <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| From <u> </u> To <u> </u> | <u> </u> | <u> </u> | <u> </u> |
4. List other cities and states where you have lived in the past ten years other than those noted in Question 13 above.
- | From | To | City | State |
|---------------------------|----------|----------|----------|
| From <u> </u> To <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| From <u> </u> To <u> </u> | <u> </u> | <u> </u> | <u> </u> |

(ATTACH ADDITIONAL SHEET IF NECESSARY)

ACTIVITY IN LIQUOR INDUSTRY (INSIDE OR OUTSIDE OREGON)

5. Are you presently or have you been licensed or employed in the liquor business?
Yes No X Where & When?
Is your spouse or any family member(s) working in any area of the liquor industry?
Yes No X If Yes, give: (Name) (Name of Business) (City & State)
17. Have you ever received a warning, a notice of violation, suspension, fine, or revocation as a licensee or permittee? Yes No X Where & When?
Have you ever been refused a permit or license to sell, serve, or dispense beer, wine, or distilled spirits?
Yes No X Where & When?
9. Is a manufacturer or wholesaler of alcoholic liquor financing or furnishing your business with money or property? Yes No X Where & When?
Do you have any right, title, lien, claim, or other interest, financial or otherwise in, upon or to the premises, equipment, business or merchandise of any retailer, wholesaler, or manufacturer of alcoholic liquor?
(Do not include this business) Yes No X Where & When?

CAUTION: OLCC MAY DENY YOUR APPLICATION IF YOU LEAVE OUT INFORMATION OR GIVE FALSE ANSWERS ON THIS FORM.

SIGNATURE: Angèle E. Holm (Owner)
TITLE (Manager, Owner, Corp. Officer)
DATE 9-8-99

SIGN
HERE

TRADE NAME Rubio's Restaurant
CITY/COUNTY Curry Brookings, Curry

You must fill in all the blanks. If the question does not apply write N/A in the space.

1. Name Holm Bryan T
(Last) (First) (Middle)
2. Other names used _____
(Maiden) (Other)
3. Home Address 17686 Rainbow Rock Rd. Brookings, OR. 97415
(Number and Street) (City) (State) (Zip)
4. SSN 570-58-3080 Place of Birth Kearney, WI Date of Birth 5-4-45
5. Sex M Height 5'7" Weight 150 Hair Color Brown Eye Color Green Age 54
6. US Citizen: Yes X No _____ Alien Reg. # _____ Spouse Name Angie Holm
7. Home phone 541-469-9071 Business phone 541-469-3111

CRIMINAL RECORD

OLCC makes a criminal offender records check through the Oregon State Police on all liquor license applicants. ORS 181.555(3) provides that you can contact the Oregon State Police or challenge inaccurate criminal offender information. OLCC may require fingerprints.

8. Have you ever been convicted of any crime, violation, or infraction of any law? Include probation or bail forfeiture. (Include traffic violations for which a fine or bail forfeiture of more than \$50.00 was imposed.)

Yes X No _____

9. Do you have arrests or citations pending? Yes _____ No X

10. If you have answered "Yes" to 8 or 9 list below:

OFFENSE	DATE	CITY & STATE	RESULT
<u>DUPE (Car Insurance) OR.</u>	<u>1979</u>	<u>Forest - Cave Junction OR.</u>	<u>Fined</u>
<u>DUPE (Car Insurance) OR.</u>	<u>1972</u>	<u>Forest - Salem OR.</u>	<u>Fined</u>
<u>1964. New Port Beach Calif.</u>	<u>1964</u>	<u>San Diego County Jail</u>	<u>30 days County Jail</u>
<u>1963 Santa Cruz Cal.</u>	<u>1963</u>	<u>Probation / Cal youth authority</u>	<u>Probation / Cal youth authority</u>

DIVERSION/TREATMENT

11. Have you ever entered into a Diversion Agreement? Yes _____ No X
Where and When? _____
12. Have you ever been treated or in a treatment program for alcohol or other drug use/abuse? Yes _____ No X
Where and When? _____

EMPLOYMENT & RESIDENCE HISTORY

13. List current and former employers or occupations during the past ten years:

Dates by Month/Year	Employer or Business	Occupation	City & State
From <u>7-79</u> To <u>7-79</u>	<u>Curry Brookings, Oregon</u>	<u>RA</u>	<u>Brookings, OR</u>
From <u>1-79</u> To <u>7-79</u>	<u>Curry Brookings, Oregon</u>	<u>RA</u>	<u>Brookings, OR</u>
From <u>6-77</u> To <u>4-77</u>	<u>Curry Brookings, Oregon</u>	<u>RA</u>	<u>Brookings, OR</u>

14. List other cities and states where you have lived in the past ten years other than those noted in Question 13 above.

From	To	City	State
From <u>1977</u>	To <u>1992</u>	<u>Curry Brookings, Oregon</u>	<u>OR</u>
From <u>1977</u>	To <u>1977</u>	<u>Curry Brookings, Oregon</u>	<u>OR</u>

(ATTACH ADDITIONAL SHEET IF NECESSARY) 1969 to 1972 - Curry Brookings, OR

ACTIVITY IN LIQUOR INDUSTRY (INSIDE OR OUTSIDE OREGON)

15. Are you presently or have you been licensed or employed in the liquor business?
Yes _____ No X Where & When? _____
16. Is your spouse or any family member(s) working in any area of the liquor industry?
Yes _____ No X If Yes, give: (Name) (Name of Business) (City & State)
17. Have you ever received a warning, a notice of violation, suspension, fine, or revocation as a licensee or permittee? Yes _____ No X Where & When? _____
18. Have you ever been refused a permit or license to sell, serve, or dispense beer, wine, or distilled spirits?
Yes _____ No X Where & When? _____
19. Is a manufacturer or wholesaler of alcoholic liquor financing or furnishing your business with money or property? Yes _____ No X Where & When? _____
20. Do you have any right, title, lien, claim, or other interest, financial or otherwise in, upon or to the premises, equipment, business or merchandise of any retailer, wholesaler, or manufacturer of alcoholic liquor?
(Do not include this business) Yes _____ No X Where & When? _____

CAUTION: OLCC MAY DENY YOUR APPLICATION IF YOU LEAVE OUT INFORMATION OR GIVE FALSE ANSWERS ON THIS FORM.

SIGNATURE: Bryan T. Holm DATE 9-9-77
TITLE (Manager, Owner, Corp. Officer)

SIGN
HERE

Memorandum

TO: Mayor, City Council
FROM: William J. Sharp, Fire Chief
THROUGH: City Manager Tom Weldon *Tom*
DATE: September 21, 1999



Issue: Replacement of Chief's Vehicle

Background: Several years ago the Brookings Firefighters Association purchased a 1980 Chevy Blazer from Crescent Fire Protection District for use by the Fire Chief as a response vehicle and transportation. That vehicle cost the Fire fighters Association \$1,000. We fixed up this used vehicle and got several years use out of it. Recently the engine in the vehicle started to give us some problems. We had the truck checked out and the engine is not worth repairing. The truck has extensive rust and steering and suspension problems which limits its use as an emergency response vehicle. In short, the truck has worn out its use to us and needs to be replaced. This vehicle is now unsafe and consequently I am using my own vehicle and the quick response truck.

The Fire Department has currently budgeted funds that could be utilized for a lease purchase of a vehicle. This money was originally budgeted to purchase a hydraulic ram (part of the "JAWS" equipment), but because of the recent deterioration of this Chief's vehicle, replacing it is now a higher priority. We could put this \$10,000 down and pay off the balance over a couple of years.

I have checked with auto dealers and found some good options whereby we could lease purchase a vehicle with yearly payments for up to three years and own the vehicle at the end of the lease period.

Recommendation: Authorize Fire chief to develop information on replacing this 1980 Chevy Blazer with either a new vehicle or a newer used vehicle.

CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
September 13, 1999
7:00 pm

I. CALL TO ORDER

Mayor Bob Hagbom called the meeting to order at 7:06PM.

II. PLEDGE OF ALLEGIANCE

Led by City Attorney John Trew

III. ROLL CALL

Council Present: Mayor Bob Hagbom, Councilors Larry Curry, Keith Pepper, Frances Johns, and George Ciapusci, a quorum present.

Staff Present: City Manager Tom Weldon, City Attorney John Trew, Community Development Director Leo Lightle, Police Chief Ken Lewis, Police Sargent Wayne Sheffel, Police Sgt. Mike Cooper, Communications Officer Patti Slupski, Randy Mitchem of Public Works Parks & Maintenance and Administrative Secretary Sharon Ridens

Media Present: Chuck Hayward, Curry Coastal Pilot, and Joyce Tromblee, KURY Radio

Other: Chamber of Commerce President Richard Gyuro, Augie Kofoet-Vice President Businesses for a Better Brookings, Brookings Harbor Youth Association Director Heather Weckler and President Dana Jansen, and approximately six other citizens.

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

A. Announcements

- a. *20 Years of Service Employee Recognition - Wayne Sheffel*
Mayor Hagbom thanked and honored Police Sgt. Wayne Sheffel for twenty years of service to the citizens of Brookings by presenting him with a special plaque designed and secured by Police Chief Ken Lewis.
- b. *New Employee-Police Dept./Patti Slupski, Communications Officer I*
Police Chief Lewis introduced the department's new communication

officer Patti Slupski, who then detailed her background and education. She was welcomed by Mayor Hagbom and the Council.

- c. *New Employee-Public Works/Randy Mitchem, Parks/Maintenance*
Community Development Director Leo Lightle introduced Public Works Parks & Maintenance new employee Randy Mitchem, who was then welcomed by Mayor Hagbom and the Council.

B. *Proclamations*

- a. *National Emblem Club Week*

Mayor Bob Hagbom presented to the Elks' Emblem Club representatives, Arita Schock, Evelyn Jurgens, Charlotte Rentsch, Jean Pruett, and Councilor Frances Johns, a proclamation naming the week of September 19th through September 25th as National Emblem Club Week

V. **PUBLIC HEARING**

None

VI. **SCHEDULED PUBLIC APPEARANCES**

None

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

A. *Committee and Liaison reports*

- 1. *Chamber of Commerce*

President Richard Gyuro reported the newest promotion of the Brookings "winter wonderland" is set to open imminently as the "Brookings Information Board" at the Brookings Fred Meyer.

- 2. *Businesses for a Better Brookings*

Vice President Augie Kofoet informed the Council there are now approximately 203 American flags being displayed during designated national holidays, the last being Labor Day weekend. He also indicated the visitor information center at the Los Amigos Restaurant building lobby is open and functioning and is to soon include an available phone for contacting local lodging and travel merchants.

- 3. *Port of Brookings-Harbor*

None

4. *Parks & Recreation Commission*
None

5. *Planning Commission*
None

6. *Council Liaisons*
Councilor George Ciapusci attended the Brookings Planning Commission September 7th and provided an overview of the meeting, which included one county referral recommended for approval.

Councilor Frances Johns attended the HOPE conference, which included James Fullbright, an excellent speaker on building programs working with youth and community; a follow-up meeting for the school district; and has attended the S.A.Y. committee (Swim All Year) meetings most every week, which have included important financial information from the City's Finance Director Gail Hedding and information on covering the pool at Best Western Inn from John Zia. An architect from Medford specializing in covering pools will be attending the next SAY meeting.

Councilor Keith Pepper met with the Parks and Recreations Commission and reported the sidewalk project at Azalea Park is almost completed. He will be attending the Harbor Sanitation Meeting tomorrow. Councilor Pepper reported the Canopy Project had won top honors in an annual national competition sponsored by the American Society of Landscape Architects. He stated the architecture and engineering study of the Portico Group of Seattle, the Canopy Project, Inc. board and Egret Communications won the honors award, which is the highest possible in the planning and Analysis category.

Mayor Bob Hagbom reviewed the meetings he had attended for the Chetco and County Watershed Council and shared Brookings' long range plan to those committees.

B. Unscheduled

City Manager Tom Weldon introduced the President and Director of the Brookings Harbor Youth Association, who presented a packet of information regarding the organization's liability insurance renewal status. Dana Jensen, President thanked the Council for their continued support throughout the year, and proceeded to explain their insurance renewal process and proposal from Murray Insurance Services, Inc. of Gold Beach. She and Director, Heather Weckler, requested the Council to assist the

youth association with paying their liability and property package insurance renewal premium for the Youth Center building located at 632 Hemlock Street in the amount of \$1,243.00, due September 25, 1999. After further information and discussion, Weldon recommended the Council pay \$1243 through the City's local agency, Cal/Or Insurance.

Councilor Pepper moved, Councilor Johns seconded, and the Council voted unanimously to add the request to pay the Brookings-Harbor Youth Association's Insurance Renewal Premium to the agenda.

Councilor Pepper moved, Councilor Ciapusci seconded, and the Council voted unanimously to pay \$1,243 to Cal/Or Insurance Specialists, Inc., for the Brookings-Harbor Youth Association's liability and property package insurance renewal premium.

VIII.

STAFF REPORTS

A. *Community Development Department*

1. *Awarding bid for sidewalk improvements - Wharf & Cove Streets at new Public Works Yard*

Community Development Director Leo Lightle explained the awarding of the bid for sidewalk improvements on Wharf and Cove Streets at the new Public Works Yard. He recommended the City Council award the contract to Ron Bodman Construction in the amount of \$6,825.00 and authorize the City Manager to sign the Agreement and the Notice to Proceed.

Councilor Johns moved, Councilor Pepper seconded, and the Council voted unanimously to award the sidewalk improvements of Wharf and Cove Streets at the new Public Works Yard to Ron Bodman Construction in the amount of \$6,825.00.

2. *Awarding bid for Old County Road slide repair*

Director Leo Lightle presented the results of the bid for the Old County Road Slide Repairs to the Council, of which there were two and Tidewater Contractors were the low bidder. Lightle recommended the City Council authorize awarding the contract for the Old County Road slide repairs to Tidewater, in the amount of \$47,350.00.

Councilor Pepper moved, Councilor Ciapusci seconded, and the Council voted unanimously to authorize awarding the contract for the Old County Road Slide Repairs to Tidewater Contractors in the amount of \$47,350.00.

3. *Acceptance of dedication deed*

Director Lightle explained as a condition of approval of a construction project, specifically Azalea Reach, the City has received a dedication deed for an additional 10' strip of right-of-way along the northerly side of Lundeen Lane. This is an incremental step in bringing Lundeen Lane to full City standards. He recommended the acceptance of the deed.

Councilor Pepper moved, Councilor Johns seconded, and the Council voted unanimously to accept the deed for an additional 10' strip of right-of-way along the northerly side of Lundeen Lane, with direction to staff to have the deed recorded.

Mayor Hagbom discussed the successful opening ceremonies of Azalea Reach and possible referrals from other grant funded agencies. He stated "Azalea Reach" directed many compliments publicly regarding the cooperation of City staff.

4. *Awarding Water Management & Conservation Plan proposal- H.G.E., Inc.*

Community Development Director Lightle explained the background and his department's and the interview team's request to authorize the hiring of HGE as the consultant to create the Water Management and Conservation Plan. He noted his appreciation of the press/media expressing the Mayor's comments regarding this issue, so that the public agencies could understand the City's position and desire for cooperation between all. Mayor Hagbom reminded the Council this survey is mandated by the State of Oregon for all water districts to develop, present, and comply with their own water management plan.

Councilor Curry moved, Councilor Johns seconded, and the Council voted unanimously to hire HGE, Inc. as the consultant to create a Water Management and Conservation Plan for the City.

IX.

CONSENT CALENDAR

- A. *Approval of Council Meeting Minutes*
 - 1. *Minutes of August 23 1999, Regular Council Meeting*
- B. *Approval of Vouchers (\$195,465.34)*

(end Consent Calendar)

Councilor Pepper moved, Councilor Johns seconded, and the Council voted unanimously to approve the consent calendar as printed.

X.

ORDINANCES/RESOLUTIONS/FINAL ORDERS

- A. *Ordinances*
None
- B. *Resolutions*
None

XI.

REMARKS FROM MAYOR AND COUNCILORS

- A. *Mayor*
Mayor Hagbom asked the Council to attend a very important Legislative Briefing Conference set for Tuesday, September 21, 1999, from 1:00PM to 4:00PM in Grants Pass, Oregon, at which there will be representatives from the LOC (League of Oregon Cities) to discuss what really happened in the legislative session. He noted he and Councilor Johns will be attending a Tri-Cities Meeting on Wednesday the 15th and that he will also attend a LOC meeting in Coos Bay on Thursday and Friday and a three day meeting in Portland next week for Census 2000.

Councilor Ciapusci informed the Council he will be out-of-town in Portland on September 21 and 22, 1999, and asked the Council to remember there will be an election "drop-off" box provided here in the City Council Chambers on the 21st for the County Elections Department.

- B. *Council*
Councilor Pepper reflected on a video regarding striping put on by ODOT and noted he had seen the ODOT crews re-striping in our community with the expensive durable small mound striping. He suggested the Council send a letter to ODOT thanking them for accomplishing the striping. Councilor Curry noted the letter should be addressed to the Director of Transportation Grace Cruncan.

Councilor Johns shared her comments and educational information received from her recently attended youth conference.

The meeting was recessed at 8:00PM to go into Executive Session, asking for a gag order for media present. Executive Session was called to order simultaneously by Mayor Hagbom.

EXECUTIVE SESSION - ORS 192.660(1)(h) To consult with counsel concerning the legal rights and duties of a public body with regards to current litigation or litigation likely to be filed.

The regular council meeting was reconvened at 8:34PM.

Councilor Pepper moved, Councilor Johns seconded, and the Council voted unanimously to authorize City Attorney John Trew to proceed with litigation as necessary and in consultation with Mayor Hagbom and the Finance Director Gail Hedding against a local lodging establishment for delinquent transient room taxes.

XII.

ADJOURNMENT

Councilor Pepper moved, Councilor Curry seconded, and the Council voted unanimously to adjourn the meeting at 8:37PM.

Respectfully submitted:

Bob Hagbom
Mayor

ATTEST:

Gail L. Hedding
Finance Director/Recorder

**MINUTES
BROOKINGS PLANNING COMMISSION
SPECIAL MEETING
June 3, 1999**

A special meeting of the Brookings Planning Commission was called to order by Chair Marv Lindsey at 7:02 p.m. in the Council Chambers at Brookings City Hall on the above date with the following Commission members and staff in attendance.

Ted Freeman
Marv Lindsey
Judi Krebs
Reily Smith
Vikki Nuss

John Bischoff, Planning Director
Linda Barker, Secretary

Commissioners Breuer and Dentino and Ex Officio Commissioner Ball were not present.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON FINAL ORDERS

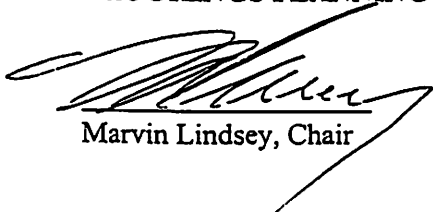
1. By a 5-0 vote (motion: Commissioner Krebs, second: Commissioner Freeman) the Planning Commission approved the Final ORDERS and Findings of Fact for File No. CUP-2-99 with the following changes in the "Conclusions" section:

Telecommunications towers or "towers" are not specifically allowed as a permitted or conditional use in any of the zones with the city except the P/OS (Public Open Space) Zone. Nor are towers defined within Section 8, Definitions, of the Land Development Code. Section 132.030, Exceptions to height regulations, of the Land Development Code does not specifically list communication towers. Since the I-P Zone will only allow a aerial, mast or antenna up to a height of 60 feet, the proposed 100 foot communication tower is not consistent with the provisions of the I-P Zone nor with those of Section 132.030.

ADJOURNMENT

There being no further business before the Planning Commission, the meeting was adjourned at 7:05 p.m.

Respectfully submitted,
BROOKINGS PLANNING COMMISSION


Marvin Lindsey, Chair

**MINUTES
BROOKINGS PLANNING COMMISSION
REGULAR MEETING
August 3, 1999**

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

Ted Freeman	John Bischoff, Planning Director
Rick Dentino	Linda Barker, Secretary
Judi Krebs	
Reily Smith	
Earl Breuer	

Commissioners Nuss and Lindsey and Ex Officio Commissioner Ball were not present.

CHAIRPERSON ANNOUNCEMENTS

None

MINUTES

By a 5-0 vote (motion: Commissioner Krebs, second: Commissioner Breuer) the Planning Commission approved the minutes of the July 6, 1999 meeting as written.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON FINAL ORDERS

None

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

None

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

1. By a 4-0 vote (motion: Commissioner Krebs, second: Commissioner Breuer; Commissioner Smith declared conflict of interest, left the bench and did not participate in the hearing) the Planning Commission approved (File No. M3-4-99) a request for a minor partition to divide a 0.76 acre parcel of land into two lots of 22,378 and 10,718 sq. ft. in size; located on the west side of Fern Avenue approximately 650 ft south of Easy Street and 70 feet north of the intersection of Elk Drive and Fern Avenue; zoned R-3 (Multiple-family Residential); C. L. and Barbara Goode, applicants.

Before the hearing began Commissioners Dentino, Breuer, Krebs and Freeman declared ex parte contact as a result of a site visit. No member of the audience challenged any Commissioner for bias or conflict of interest.

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

Barbara Goode

543 Fern Avenue

Brookings Oregon

The applicant waived an additional seven day period to submit written evidence.

2. By a 4-0 vote (motion: Commissioner Krebs, second: Commissioner Breuer) the Planning Commission approved the Final ORDERS and Findings of Fact for File No. M3-4-99 as written.

Commissioner Smith returned to the bench.

3. By a 5-0 vote (motion: Commissioner Breuer, second: Commissioner Dentino) the Planning Commission approved (File No. M3-5-99) a request for a minor partition to divide a 1.00 acre parcel of land into two parcels of 21,232 and 22,239 sq. ft. in size; located in the northeast corner of the intersection of Old County Road and Marine Drive; zoned SR-20 (Suburban Residential, 20,000 sq. ft minimum lot size); Royal Star, Inc., applicants; Nancy Brendlinger, representative.

The following Commissioners declared ex parte contact as a result of a site visit: Krebs, Smith, Dentino and Freeman. Commissioner Freeman also declared he had done business with the applicant in the past but this caused no bias or conflict of interest. No member of the audience challenged any Commissioner for bias or conflict of interest.

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

Nancy Brendlinger

PO Box 6667

Brookings OR 97415

The applicant waived an additional seven day period to submit written evidence.

4. By a 5-0 vote (motion: Commissioner Breuer, second: Commissioner Krebs) the Planning Commission approved the Final ORDERS and Findings of Fact for File No. M3-5-99 as written.
5. By a 5-0 vote (motion: Commissioner Krebs, second: Commissioner Breuer) the Planning Commission approved (VAR-2-99) a request for a variance to allow a 12 foot side yard setback to permit an addition to an existing church; located on the south side of Fir St. at its intersection with Old County Road; zoned R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size); St. Timothy's Episcopal Church, applicant; Bernie Lindley, representative.

All Commissioners present declared ex parte contact as a result of a site visit. No member

of the audience challenged any Commissioner for bias or conflict of interest.

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

Bernie Lindley	16225 Chapman Lane	Brookings Oregon
Don Smith	1210 East Mar Vista Lane	Brookings Oregon
Bill Smith	820 Highland Avenue	Brookings Oregon

The applicant waived an additional seven day period to submit written evidence.

6. By a 5-0 vote (motion: Commissioner Breuer, second: Commissioner Krebs) the Planning Commission approved the Final ORDERS and Findings of Fact for File No. VAR-2-99 as written.
7. By a 4-1 vote (motion: Commissioner Krebs, second: Commissioner Freeman; voting for Commissioners Krebs, Smith, Dentino and Freeman; opposing: Commissioner Breuer) the Planning Commission voted to send a favorable recommendation to the City Council on (File No. LDC-5-99) an amendment to the City's Land Development Code to add Section 108, titled Wireless Communications Facilities; city initiated. The favorable recommendation will include changes to the staff recommended wording to:
 1. remove the C-3 General Commercial, Section 52, from this ordinance.
 2. include wording in Section 108.040.A to address the maximum height of the tower.
 3. include wording in Section 108.040.E to require the fencing to be site obscuring.
 4. address the responsibility of who and explore the cost of removing an abandoned tower and explore pre-bonding of the tower in Section 108.050.
 5. bring any extensions of the 6-month abandoned tower clause (Section 108.50.B) before the Planning Commission for action.

This vote was taken after an amended motion made by Commissioner Smith and seconded by Commissioner Breuer was defeated (vote 3-2 against; voting for: Commissioners Breuer and Smith; voting against: Commissioners Dentino, Freeman, and Krebs). The amended motion would have eliminated the tower height restriction in Section 108.040.A and cause tower height to be considered at the hearing for a conditional use permit for a tower. The amended motion also eliminated the sentence in Section 108.040.C stating that all new wireless telecommunication towers shall be of a monopole structure. After discussion of the amended motion Commissioner Smith further amended the motion to state that all new wireless telecommunication towers shall be of a self-supporting structure. This amendment was seconded by Commissioner Breuer.

No member of the audience challenged any Commissioner for bias or conflict of interest.

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

Lee Garvin	96977 Hampton Road	Brookings Oregon
Bernie Gribben	1826 Charles Timmons Lane	Eureka California
Vern Garvin	96953 Hampton Road	Brookings Oregon
Chuck Hayward	222 Del Norte Lane	Brookings Oregon
George Ciapusci	PO Box 7025	Brookings Oregon

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON COUNTY REFERRALS

None

UNSCHEDULED PUBLIC APPEARANCES

Council Liaison Ciapusci reminded the Commissioners of the Curry County Planning Commission's review of the Salmon Run Golf Course conditional use permit extension, August 5 and said a show of support would be welcome. Commissioners Smith and Breuer showed interest in attending.

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

1. Planning Director Bischoff reported that although Dr. Chickenell had made some progress on the landscaping at this dental office it was not complete.
2. Landscaping along the west side of the Subway Sandwich Shop is completed. The back boundary has been cleaned out but it has not been landscaped. The ordinance only requires landscaping equivalent to 7% of the parking area and they may have met this requirement. Director Bischoff will discuss further plans with them.
3. The new Building Official will be contacting the owner at Railroad and Alder streets to clean up the accessory buildings there.
4. In September the Oregon Planning Institute will hold their annual conference in Eugene. Again there is no Planning Commission training held in conjunction with the Planners' meetings.

PROPOSITIONS AND REMARKS FROM COMMISSION MEMBERS

1. Commissioner Freeman noticed they have removed some of the stacked soil from the old

Union 76 station lot. This is soil that is being cleaned after a spill while removing the old tanks from the property.

2. Commissioner Krebs again asked whether outside lube bays are legal as these are being used in an area behind the dirt piles. These were formerly behind the old station building which was removed. Staff has not seen them being used but will check into it.
3. The Commissioners voted unanimously that staff should notify Dr. Chickenell that his conditional use permit will be revisited at the September 7, 1999, meeting (motion: Commissioner Freeman, second: Commissioner Breuer).
4. Commissioner Krebs questioned that since the city water department had a water use restriction in July, should there be a notice on all Final ORDERS and Findings of Fact similar to that for wastewater. Director Bischoff said he would speak with the Community Development Director regarding this.
5. At the Lea Building at Pacific and Railroad streets there is congestion caused by cars parked too near the corner. Staff will look into having the curbs here painted yellow signifying no parking.
6. Parking at an adult foster home is causing problems at the intersection of Oak and Railroad streets. Commissioner Krebs noted that at noon time six to eight cars are parked in front of the facility, all parked so as to necessitate backing onto Railroad Street to leave the facility. This site had been granted a conditional use permit to operate an assisted living facility in August, 1997, but the permit lapsed as the project never got underway. The same principals are operating the adult foster home and had been notified earlier in the day that they need a business license and a sign permit for a newly erected sign posted in the yard.
7. Commissioner Krebs thanked Commissioner Smith for bringing in copies of an article he found about camouflaging communications towers.
8. Commissioner Krebs also reminded all Commissioners about the joint Planning Commission/City Council meeting of August 17 regarding the Public Facilities and Services Plan. The meeting will begin at 7:00 p.m. in the Council Chambers. The final draft document has been received and copies will be distributed this week.

ADJOURNMENT

There being no further business before the Planning Commission, the meeting was adjourned at 9:27 p.m.

Respectfully submitted,

BROOKINGS PLANNING COMMISSION


Ted Freeman, Jr. Vice Chair

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON

In the Matter of an Ordinance amending Ordinance No. 89-0-446)
(Land Development Code), to add Section 168, Wireless)
Telecommunications Facilities, providing criteria to regulate)
the siting and operation of wireless telecommunication facilities)
within the City of Brookings, that meet the provision of Federal)
Law; to also amend Section 40, Public Open Space (P/OS))
District, to allow Wireless Telecommunications Facilities as a) *ORDINANCE NO. 99-O-446.GG*
permitted use on towers operated by a public entity; Section 64,)
Industrial Park (I-P) District; and Section 68, General Industrial)
(M-2) District, to allow wireless telecommunication facilities)
including towers up to 100 feet in height as a conditional use)
or in conjunction with other facilities.)

Sections:

Section 1.	Add Section 168.
Section 2.	Amendment to Section 40.
Section 3.	Amendment to Section 64.
Section 4.	Amendment to Section 68.

The city of Brookings ordains as follows:

Section 1. Addition of Section 168, Section 168 is hereby added to Ordinance No. 89-O-446 to read as follows:

Name: **SECTION 168, WIRELESS TELECOMMUNICATIONS
FACILITIES**

168 Sections

168.010	Purpose.
168.020	Definitions.
168.030	Application.
168.040	Siting Criteria.
168.050	Abandoned Towers.
168.060	Severability.

168.010 Purpose.

The purpose of this section is to provide criteria to regulate the siting and operation of wireless telecommunication facilities within the City of Brookings, that meet the provisions of federal law and do not unreasonably discriminate among wireless telecommunications providers.

Section 168.020 Definitions.

Antenna. A device commonly in the form of a metal rod, wire panel or dish, for transmitting or receiving electromagnetic radiation. An antenna is typically mounted on a supporting tower, pole, mast or building.

Collocation. The placement of two or more antenna systems or platforms by separate FCC license holders ("providers") on a structure such as a tower, building, water tank or utility pole.

Stealth Capabilities. The use of camouflage techniques to disguise or minimize the visual impact of a tower or antennas (i.e., located in conjunction with a church, steeple, stadium lighting, made to look like a tree or flag-pole, etc.)

Wireless Telecommunication. The transmission, via radio frequency electromagnetic waves, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Wireless Telecommunication Facility. An unmanned facility for the transmission and reception of radio frequency (RF) signals; usually consisting of an equipment shelter, cabinet or other enclosed structure containing electronic equipment, a support structure (tower), antennas or other, transmission and reception devices.

Wireless Telecommunication Provider. A person or company in the business of offering telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

Wireless Telecommunications Tower. Means a structure more than ten feet tall, built primarily to support one or more telecommunications antennas.

Section 168.030 Application.

An application for a Wireless Telecommunications Tower shall be made and processed pursuant to Section 140, Conditional Use Permit, of this code, except when in the Public Open Space Zone as allowed in Section 40, Public Open Space (P/OS) District, of this code.

Section 168.040 Siting Requirements.

- A. Height. The maximum tower height shall not exceed 100 feet from the finished grade at the base of the tower.
- B. Front, side and rear yard setbacks. Front and yard setbacks shall be determined by the underlying zone in which the tower is to be placed.
- C. Construction: All new wireless telecommunication towers shall be of a monopole structure. Where possible new towers will be located in such a manner that they blend in with the background around them.

If the new wireless telecommunications facility is to be collocated on an existing non-monopole tower, the design of any antenna(s), accessory

structures or equipment shall, to the extent possible, use materials colors and textures that will match the existing tower structure to which the equipment of the collocating provider is being attached.

- D. Collocation. New towers shall be constructed so as to allow at least two or more users to collocate on the facility. If collocation is not possible, all applications shall include findings which demonstrate why it is not possible.
- E. Fencing and security. For security purposes, towers and accessory facilities shall be enclosed by a minimum eight-foot (8') sight obscuring fence.
- F. Lighting. No lighting shall be permitted on a tower except as required by the F.A.A.
- G. Advertising/Signs. No advertising or signs of any type are to be placed on the tower at any time except those required or necessary for safety and warnings.
- H. Landscaping. All sites shall be landscaped pursuant to the requirements of the underlying zone. Towers located in the P/OS (Public Open Space) and I-P (Industrial-Park) zones will also include site obscuring landscaping around the security fence. The Planning Commission may require additional landscaping as a condition of approval.

Section 168.050 Abandoned Towers

- A. Wireless telecommunication towers that do not have functioning antennas for a period of six (6) months shall be considered to be abandoned and shall be removed by the operator within 60 days thereafter.
- B. Upon written application, prior to the expiration of the six month period, the Planning Commission may, in writing, grant a six-month time extension for reuse of the facility. Additional extensions beyond the first six-month extension may be granted by the Planning Commission subject to any conditions required to bring the project or facility into compliance with current regulation(s) and make it compatible with surrounding development.

Section 168.060 Severability.

That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause or phrase of this ordinance.

Section 2. **Amendment to Section 40**, Section 40, Ordinance No. 89-O-446, is hereby amended to read as follows:

Section 40.020, Permitted uses. The following uses are permitted:

- H. Wireless communication facilities, pursuant to Section 168 of this code, in conjunction with an existing tower operated by a public entity.

Section 3. Amendment to Section 64, Section 64, Ordinance No. 89-O-446, is hereby amended to read as follows:

Section 64.040, Conditional uses. The following conditional uses may be permitted subject to a conditional use permit:

D. Wireless communication facilities, pursuant to Section 168 of this code.

Section 4. Amendment to Section 68, Section 68, Ordinance No. 89-O-446, is hereby amended to read as follows:

Section 68.040, Conditional uses. The following conditional uses may be permitted subject to a conditional use permit:

F. Wireless communication facilities, pursuant to Section 168 of this code.

First Reading: _____

Second Reading: _____

Passage: _____

Effective Date: _____

Signed by me in authentication of its passage this _____ day of September, 1999.

Bob Hagbom
MAYOR

ATTEST:

Gail L. Hedding
City Finance Director/Recorder