

agenda
City of Brookings
Common Council Meeting
City Hall Council Chambers
898 Elk Drive
Brookings, Oregon, 97415 - 7:00 p.m.
May 11, 1998



Mother's Day
Sunday, May 10, 1998

agenda

CITY OF BROOKINGS
COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
May 11, 1998
7:00 pm

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

A. "Emergency Medical Services Week" Proclamation (blue)

V. PUBLIC HEARING

- A. Changes to Systems Development Charge Report - "Parks" and Capital Improvement/Expenditures Plan (green)
- B. A request for a Comprehensive Plan Change and zone change on two separate parcels of land (cream)

VI. SCHEDULED PUBLIC APPEARANCES

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

- A. Committee and liaison reports
 - 1. Planning Commission
 - 2. Council liaisons
- B. Unscheduled

VIII. STAFF REPORTS

- A. City Manager
 - 1. Police Agreement (pink)
 - 2. Public Works certification pay (grey)
 - 3. Selling City property near existing Post Office (pink)

B. *Community Development Department*

1. *Award of bid on the Crissey Circle to Parkview Drive Waterline project (tan)*
2. *Award of bid on the Hemlock and Mill Street Waterline project (purple)*
3. *Award of bid on the exterior painting for the 1.5 million gallon reservoir (orange)*

IX. CONSENT CALENDAR

A. *Approval of Council Meeting Minutes*

1. *Minutes of April 20, 1998 Study Session Meeting (yellow)*
2. *Minutes of April 27, 1998 Regular Council Meeting (green)*

(end Consent Calendar)

X. ORDINANCES/RESOLUTIONS/FINAL ORDERS

XI. REMARKS FROM MAYOR AND COUNCILORS

A. *Mayor*

B. *Council*

XII. ADJOURNMENT

MAY 1998

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					3:00pm CC-Hillside Development Committee	
	5:30pm CC-Student City Council Meeting 7:00pm FH-Dept drills	2:00pm CC-Bid Opening Exterior Reconditioning of 1.5 MG Water Tank 7:00pm CC-Planning Commission Reg. Meeting 7 pm	12:00pm CC-Community Agencies mtg 6:30pm CC-Citizen Academy 6:30pm FH-Police Reserves	8:15am CC-CDD STAFF MEETING 9:00am CC-Crime Stoppers 10:00am Site Plan-Tom's ofc Overflow...		
	7:00pm CC-Council Mtg 7:00pm FH-Dept drills	8:30am Staff Mtg-Tom's ofc	7:00pm Tri Cities Council-Gold Beach Council Chambers	8:15am Finance Staff Mtg 8:15am CC-CDD STAFF MEETING 10:00am Site Plan-Tom's ofc 12:00pm Chamber Forum-Conf Ctr		
Mother's Day	2:00pm CC- Muni Court 7:00pm FH-Dept drills 7:30pm School Board-Azalea Library	6:00am CC-Election Division (Julie 247-7011 X210) 8:30am Staff Mtg-Tom's ofc	1:30pm FH-Safety Comm Mtg 6:30pm CC-Citizen Academy	8:15am CC-CDD STAFF MEETING 10:00am Site Plan-Tom's ofc	5:00pm CC-Vietnam Veterans of America	
	8:00am HOLIDAY 7:00pm FH-Dept drills	8:30am Staff Mtg-Tom's ofc 7:00pm CC-Council Mtg 7:00pm CVAT-Forest Svc Bldg	6:30pm CC-Citizen Academy	8:15am CC-CDD STAFF MEETING 10:00am Site Plan-Tom's ofc 7:00pm CC-Parks & Rec Comm Mtg		
Memorial Day						
APRIL 1998				JUNE 1998		
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26	27	28	29	30		
WhitSundav						

MAY 1998

APPOINTMENTS & SCHEDULED EVENTS

5/7/93 10:00am CC-Elections Shool

5/7/98 12:00pm CC - CVAT - Tom

5/7/98 7:00pm CC-APF mtg

JUNE 1998

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY										
	<u>7:00pm FH-Dept drills</u>	<u>8:30am Staff Mtg-Tom's ofc</u> <u>7:00pm CC-Planning Commission Reg. Meeting</u> <u>7 pm</u>	<u>12:00pm CC-Community Agencies mtg</u> <u>6:30pm CC-Citizen Academy</u> <u>6:30pm FH-Police Reserves</u>	<u>8:15am CC-CDD STAFF MEETING</u> <u>9:00am CC-Crime Stoppers</u> <u>10:00am Site Plan-Tom's ofc</u> <u>7:00pm CC-APF mtg</u>												
	1	2	3	4	5	6										
	<u>7:00pm CC-Council Mtg</u> <u>7:00pm FH-Dept drills</u>	<u>8:30am Staff Mtg-Tom's ofc</u>	<u>6:30pm CC-Citizen Academy</u> <u>7:00pm Tri Cities Council-Gold Beach Council Chambers</u>	<u>8:15am Finance Staff Mtg</u> <u>8:15am CC-CDD STAFF MEETING</u> <u>10:00am Site Plan-Tom's ofc</u> <u>12:00pm Chamber Forum-Conf Ctr</u>												
7	8	9	10	11	12	13										
	<u>2:00pm CC-Muni Court</u> <u>7:00pm FH-Dept drills</u> <u>7:30pm School Board-Azalea Library</u>	<u>8:30am Staff Mtg-Tom's ofc</u>	<u>1:30pm FH-Safety Comm Mtg</u> <u>6:30pm CC-Citizen Academy</u>	<u>8:15am CC-CDD STAFF MEETING</u> <u>10:00am Site Plan-Tom's ofc</u>												
Flag Day 14	15	16	17	18	19	20										
	<u>7:00pm CC-Council Mtg</u> <u>7:00pm FH-Dept drills</u>	<u>8:30am Staff Mtg-Tom's ofc</u>	<u>6:00pm CC-Victim's Impact Panel (Mary Lou Randall 247-0271)</u> <u>6:30pm FH-Citizen Academy</u>	<u>8:15am CC-CDD STAFF MEETING</u> <u>10:00am Site Plan-Tom's ofc</u> <u>7:00pm CC-Parks & Rec Comm Mtg</u>												
Father's Day 21	22	23	24	25	26	27										
	<u>7:00pm FH-Dept drills</u>	<u>8:30am Staff Mtg-Tom's ofc</u> <u>7:00pm CVAT-Forest Svc Bldg</u>														
28	29	30														
			MAY 1998			JULY 1998										
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			17	18	19	20	21	22	23				22	23	24	25
			24/JUN	25	26	27	28	29	30				29	30	31	

PROCLAMATION

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services providers have traditionally served as the safety net of America's health care system; and

WHEREAS, emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and

WHEREAS, approximately two-thirds of all emergency medical services providers are volunteers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, Americans benefit daily from the knowledge and skills of these highly trained individuals; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

WHEREAS, injury prevention and the appropriate use of the EMS system will help reduce national health care costs; and

NOW, THEREFORE, I, Nancy Brendlinger, Mayor of the City of Brookings, do hereby proclaim the week of May 17-23, 1998 as

"EMERGENCY MEDICAL SERVICES WEEK"

and encourage the community to observe this week with appropriate programs, ceremonies and activities.

Nancy Brendlinger
Mayor

SOUTHERN CURRY AMBULANCE ASSOCIATION, INC.

d.b.a.

SOUTH COAST EMS

**Post Office Box 1986
Brookings, OR 97415**

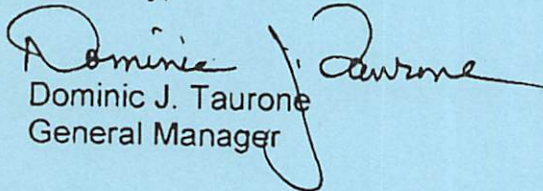
April 10, 1998

City of Brookings
898 Elk Drive
Brookings, OR 97415

Dear City of Brookings:

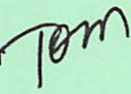
Request that you designate the week of May 17-23, 1998 as Emergency Medical Services Week. A proclamation for your use is attached.

Sincerely,


Dominic J. Taurone
General Manager

Memorandum

TO: Mayor and City Council

FROM: City Manager Tom Weldon 

DATE: May 6, 1998



Issue: Should the City Council authorize changes in the City's Capital Improvements/Expenditures Plan and the "Report on Systems Development Charges" regarding Tanbark Point and Chetco Point Park?

Background:

1. In July of 1987 the city was given two small pieces of property (see map), both extending from Tanbark Road to a sheer cliff overlooking the ocean.
2. Both of these properties are very long and narrow. One property starts at 7.89 feet wide and widens to approximately 15 feet (at the viewpoint) and is 371.04 feet long. The other property is approximately 10 feet wide, it's entire 257.57 feet length. They were given to the city for "public purposes" as "pedestrian ways" as part of the creation of the Tanbark subdivision.
3. At the ocean, these 2 properties together provide approximately 25' of ocean viewing space.
4. These properties are not wide enough to allow vehicle parking, but there is some street parking near both sites.
5. Both of these properties have bushes, trees, blackberries, etc. growing on them and do not now provide an easily useable access to an ocean view.
6. Both properties are in residential neighborhoods with occupied homes nearby.
7. These properties are listed in the City's Capital Improvements/Expenditures Plan under PARKS "TANBARK POINT" "PATHS, RAILINGS, ETC.".
8. These properties are also listed in the City's "Report on System Development Charges" table 11.5-1:

Location	Project Description	CIPPR Number	Cost Estimate ENR 4818	Cost Estimate ENR 4818
Tanbark Viewpoint	Parking	5	\$6,200	\$6,200
Tanbark Viewpoint	Pathways	6	\$5,200	\$5,200
Tanbark Viewpoint	Fencing	7	\$2,600	\$2,600

9. The city has never done any development or clearing on these properties, preferring to not have them used until there was money available to do the fencing required to make the viewpoint areas safe.
10. There is \$17,010 available in the Parks and Recreation System Development Charge fund to do these improvements. This is the dollar amount estimated needed to do these improvements, updated from 1991 to 1997 dollars.
11. In 1995 the city was given approximately 7 acres behind the wastewater treatment plant/city shops area for park purposes. This property is known as Chetco Point Park. See attached map. No city development or improvements have taken place on this property.
12. Two Parks and Recreation members have completed a master plan for this park.
13. This Chetco Point Park Master Plan recommends improvements such as pathways, fencing, parking, railings, signs, etc. to make this park more accessible, safe and usable by the public.
14. You adopted this plan, with modifications, at your last Council meeting.
15. The views from the upper part of Chetco Point Park are essentially the same views as those from the Tanbark viewpoints. The two closest points of both parks are only approximately 535 yards from each other, as the seagull flies.
16. Chetco Point Park has some parking and unimproved pathways. It also has viewpoints from several locations and 2 accessible beach areas.
17. There is very little money available from the City's General Fund for park improvements.
18. The City Council could change the Capital Improvement/Expenditures Plan and Report on System Development Charges to switch priority and SDC dollars from Tanbark Point to Chetco Point Park. This would make \$17,010 available for Chetco Point Park improvements.
19. The Parks and Recreation Commission, the Systems Development Charge Review Board and the Planning Commission have reviewed these proposed changes and unanimously recommend them to you.

Recommendation:

City Council authorize the following changes in 2 official city documents:

1. Capital Improvements/Expenditures Plan 1996-2001
 - a. Eliminate on "PARKS" page, "Tanbark Point" - "Paths, railings, etc." .
 - b. Change "Chetco Point - develop plan for improvements (including parking)" to "Chetco Point" "Improvements including parking, fencing, pathways, signing, etc.".
2. Change "Report on Systems Development Charges July 1991" Table 11.5-1, from:

Location	Project Description	CIPPR Number	Cost Estimate ENR 4818	Cost Estimate ENR 4818
Tanbark Viewpoint	Parking	5	\$6,200	\$6,200
Tanbark Viewpoint	Pathways	6	\$5,200	\$5,200
Tanbark Viewpoint	Fencing	7	\$2,600	\$2,600

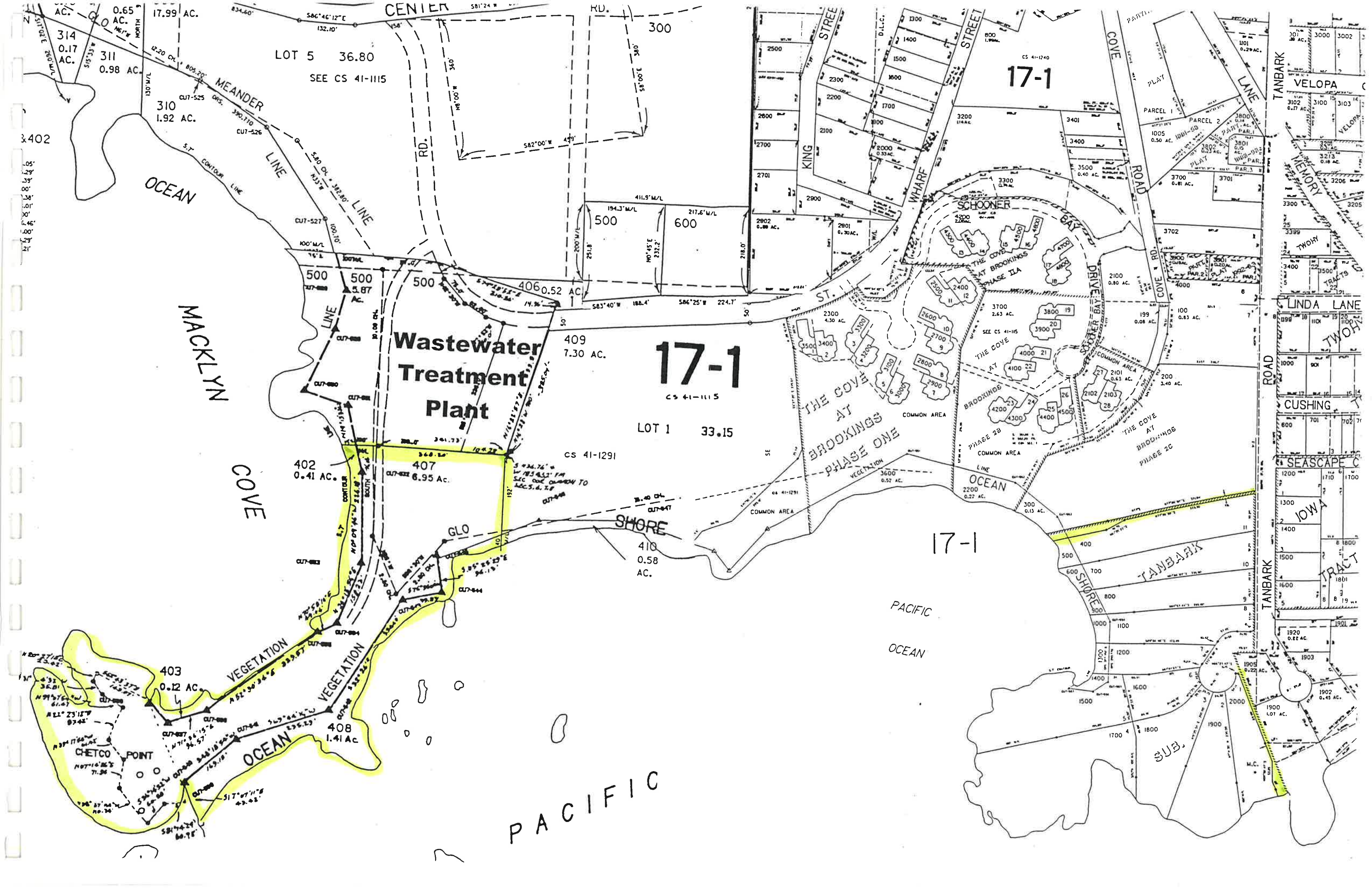
To:

Location	Project Description	CIPPR Number	Cost Estimate ENR 4818	Cost Estimate ENR 4818
Chetco Point Park	Parking, fencing, signing, etc.	5	\$17,010	\$17,010

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

1. Not making these changes to these documents.
2. Making the improvements at Tanbark Point as outlined in 2 plans.
3. Not making improvements at Chetco Point Park as outlined in Chetco Point Master Plan.

-eom-



ADDENDUM
To
Planning Commission Staff Report
CPZ-1-98
For the City Council
May 11, 1998

At their regularly scheduled meeting of April 7, 1998, the Planning Commission heard application for a Comprehensive Plan and zone change on two pieces of property owned by South Coast Lumber Co. One area is a 2.94 acre parcel located on the north side of the plywood mill site and the other area is a 13 acre parcel located on the south side of the mill site, between Center St. on the north and Wharf St. on the south. The Staff Report prepared for the Planning Commission is attached.

At the Planning Commission meeting opponents to the application presented oral testimony and three letters into the record. A fourth letter was partially read into the record at the hearing and submitted to the record the next day.

After hearing the staff presentation, the applicants presentation and testimony from the public, the Planning Commission voted 4 to 2 to make a favorable recommendation to the City Council on this matter.

Since the Planning Commission Hearing, staff has received 9 additional letters in opposition to the proposed zone change. The objections raised in all 13 letters can be broken down into 14 categories as follows.

1. Eight of the letters cited a health hazard due to the presence of fine ash originating from the plywood mills smoke stack.
2. Three of the letters mentioned concern that property values would be reduced in the area of "The Cove" development.
3. Three letters indicated concern for industrial traffic on Wharf St. serving the newly industrial area between Center St. and Wharf St.
4. Three of the letters recommended that South Coast Lumber Co. be encouraged to move the mill to the Carpenterville Rd. site.
5. Three of the letters stated that the zone change should not be approved without knowing what is planned for the site.
6. Two of the letters stated that although the applicant stated that there was no use planed for the 13 acre site at this time, the applicant's findings stated in several places that the site would be used to expand the existing mill.
7. Two of the letters either cited the loss of the ball fields that exist on the 13 acre site, or the impact of the zone change on the new Chetco Point Park, both in reduction of parking/access and due to the ash emitted from the mill.

8. One letter state that if the zone change were to be approved, the buffer between the industrial and residential area should be as large as the one between the "The Cove" project and the waste water treatment plant.
9. One letter stated that the proposed zone change was an illegal action based on the Purpose Statement of Section 144, Amendments, of the Land Development Code, which sites a public need for Plan Amendments.
10. One letter cited noise pollution as a concern for the proposed zone change.
11. One letter stated that the mill site and the waste water treatment plant be moved.
12. One letter cited visual pollution of having another industrial building in the area.
13. One letter cited the loss of low cost housing if the R-2 Zone be changed to M-2.
14. One letter stated that the expansion of the mill would be a blight on the economy of the city.

One of the letters also stated that construction had already begun on the site. There is construction on the site, however, this construction is within the existing M-2 Zone at the west end of the mill building, not in one of the areas subject to this request. This construction is of a new, state of the art, dryer that will replace one of the two older dryers.

Prior to the Planning Commission meeting staff was not made aware of any of the above objections to the proposed zone change. All but one of these concerns are addressed in the attached staff report. The one that is not addressed is that of emission of ash from the mill. At the Commission hearing the applicant's representative stated that the mill does meet all of the Department of Environmental Quality emission standards. In staff's opinion this is the most important objection raised concerning this application and must be considered. The applicant must show that the change of zone will not cause the emissions from the mill to increase.

The issue of whether the proposed change of zone provides a public need is addressed in the examination of Goal 9, Economy of The State, in the attached staff report.

The Planning Commission made a favorable recommendation to the Council on this application.

CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: Comprehensive Plan/Zone Change
FILE NO: CPZ-1-98
HEARING DATE: April 7, 1998

REPORT DATE: March 19, 1998
ITEM NO: 8.2

GENERAL INFORMATION

APPLICANT: South Coast Lumber Co..

REPRESENTATIVE: Silas W. Davis, David Evans and Associates.

REQUEST: A zone change on a portion of Tax Lot 323 from R-3 (Multiple-Family Residential) to M-2 (General Industrial) and a Comprehensive Plan designation change from Residential to Industrial. A zone change from R-2 (Two Family Residential) to M-2 and a Comprehensive Plan designation change from Residential to Industrial on Tax Lots 500 and 600.

TOTAL LAND AREA: 15.94 acres.

LOCATION: Tax Lot 323 is on the north side of Center St. and on the east side of the old log pond. Tax Lots 500 and 600 are located on the north side of Wharf St. approximately 500 feet west of King St.

ASSESSOR'S NUMBER: 41-13-6D, Tax Lot 323, 500, 600.

ZONING / COMPREHENSIVE PLAN INFORMATION

EXISTING: R-2 (Two-Family Residential) and R-3 (Multiple-Family Residential).

PROPOSED: M-2 (General Industrial).

SURROUNDING: West-R-3 and R-2; North-C-3 (General Commercial); South-R-2; East-M-2, I-P

COMP. PLAN: Residential.

PROPOSED: Industrial.

LAND USE INFORMATION

EXISTING: Both parcels vacant. Tax lot 500 contains baseball fields.

PROPOSED: Mill expansion.

SURROUNDING: West-Primarily vacant some houses at end of Center St.; North-Commercial uses

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

BACKGROUND INFORMATION

This application involves a request for a change of zone and Comprehensive Plan change on two separate parcels of land, both of which border on the same parcel that contains the existing plywood mill. The first of these parcels, Area 1, was created on the west side of the exiting mill site through a lot line adjustment that extended the westerly boundary of tax lot 323 west approximately 200 feet and contains 2.94 acres. This new line extends northeasterly from Center St. to the log pond and then around the easterly boundary of the pond parcel to the southerly boundary of the commercially zoned strip along Railroad St. as shown in Exhibit 2. This parcel is flat with a gentle downward slope from Railroad St. toward the ocean and is vacant.

The second parcel, Area 2 contains 13.00 acres located on the south side of Center St. and north side of Wharf St. This parcel was create through another lot line adjustment that adjusted the boundaries of Tax Lot 500 to the configuration shown on Exhibits 1 and 2. Area 2, which includes Tax Lot 600, is also a flat parcel that contains the baseball fields known as Agnew Fields and is vacant except for the ball fields and some associated out buildings. There is a sewer main and associated 10 foot wide easement that runs north/south through the approximate center of this area.

Area 1 is currently zoned R-3 (Multiple-Family Residential) as is the property directly to the west which is also vacant. The area to the south and south west is zoned R-2 (Two Family Residential) and is vacant except for 3 houses that are located at the westerly end of Center St. The area to the east is zoned M-2 (General Industrial) and is the site of the plywood mill. The area to the north is zoned C-3 (General Commercial) and is developed accordingly. See Exhibit 1.

Area 2 is currently zoned R-2 (Two Family Residential) as is the property directly west and south which are both vacant. The area to the north is the plywood mill site in the M-2 Zone. The adjoining are to the east is zoned M-2 except at the southerly end which is zone I-P (Industrial-Park). Both of these areas are developed with various uses including some residential in the I-P Zone. The "The Cove" development is located just to the southeast of Area 2 and developed with duplex units in the R-2 Zone. The "The Cove" project is a Planned Unit Development (PUD) with private streets within a perimeter fence.

Center St., which separates Area 2 from the mill parcel and borders the southerly end of Area 1, is an unimproved paved travel way within a 50 foot right-of-way. This street is in poor condition, through the mill site and is unpaved once to the west of the mill. Wharf St. is a paved travel way within a 50 foot right-of-way with sidewalk, curb and gutter adjacent to the "The Cove" project only.

There are water mains located in both the Center St. and Wharf St. right-of-ways, however, the city cannot guarantee that sewer service will be available for new construction in the future.

PROPOSED PLAN/ZONE CHANGE

The applicant is requesting a Comprehensive Plan change on both parcels from Residential to Industrial and a zone change on Area 1 from R-3 to M-2 and on Area 2 from R-2 to M-2. The reason stated for this desired change is to allow for the future expansion of the mill into the area south of Center St. and to allow more storage and working area to the west of the mill. The applicant has stated that at some time in the future they would extend Wharf St. along the westerly boundary of Area 2 to intersect Center St. and then request that the portion of Center fronting on Area 2 be vacated.

ANALYSIS

The Land Development Code does not contain specific criteria to be considered when deciding a change of zone or Comprehensive Plan amendment. However, in the process of making such a decision the Commission must consider the different uses allowed as permitted in the requested new zone, the compatibility of those uses with, and the impact they may have on, existing uses in the surrounding area. The Commission must also consider how the requested change affects the goals and policies of the City's Comprehensive Plan. The requested plan/zone change presents three areas that must be analyzed - compatibility with existing uses, traffic impact on existing uses and the highway and consistency with the goals and policies of the Comprehensive Plan. The following is staff's analysis.

Permitted Uses/Compatibility of Uses.

A change from residential to industrial zoning would mean a great change in the uses permitted on the property. Permitted uses in the R-2 and R-3 Zones are essentially residential in nature with a bit more intensity allowed in the R-3 Zone. The M-2 Zone will allow a whole range of different high intensity uses from auto repair to boat building to lumber mills. The M-2 Zone therefore has the potential to create a much greater impact on the surrounding properties than the existing residential zones. Since there are some differences in the nature of the two areas subject to this request, to address this the potential impacts of the zone change, each of the two areas will be considered separately.

Area 1.

There are several factors that make the zone change on this parcel somewhat different than that of Area 2. The first difference is that although the lot line adjustment created the area subject to the zone change, it is not a separate parcel, it is a part of the parcel that contains the mill facilities. The second difference is that Tax Lots 320 and 323 were all one parcel prior to 1990, and a third difference is that both Tax Lots were zoned M-2 prior to 1990 when a series of partitions and zone changes resulted in the present zones and configurations. The implications of these differences on the impact of changing the zone on approximately three acres in this area are three fold. First the fact that Area 1 is now part of Tax Lot 323 makes it more likely to be used as a part of the mill complex rather than a completely different permitted use. Secondly, in the present configuration, Tax Lot 320 contains a narrow strip of residentially zoned land located between the log pond and the west boundary of Tax Lot 323, that is not large enough to be developed and has no access to Railroad St. If, back in 1990 when the this area was originally partitioned and rezoned, the west boundary of Tax Lot 323 had been placed where it lies now, after the lot line adjustment, this narrow strip would not exist and subject Area 1 would have been zoned M-2 at that time. Thirdly, if the entire area between Railroad St. Mill Beach Rd. and Center St., had remained in the original M-2 Zone, the area would be open to a number of permitted industrial uses with a potential of greater impact on a much larger area.

The potential impact of the proposed change of zone of Area 1 on the surrounding uses is slight or nil. Currently the area to the north is zoned for and developed with commercial uses that already adjoin the M-2 zoned Tax Lot 323. The addition of a small amount of industrially zoned property on their south boundary should make little or no difference. The only developed residentially zoned land adjacent to the Area 1 are three lots located at the westerly end of Center St. These houses are buffered from the Area 1 by a deep ravine filled with alder and willow trees along the north side of

Center St. starting at the west end of westerly most building in the mill complex. The proposed zone change should not have a significant impact on these existing houses. The area to the west of Area 1 and north of Center St., Tax Lot 320, is currently zoned R-3 and is in the applicants ownership. The lot line adjustment to extend the west boundary of Tax Lot 323 to the west, had the effect of reducing the amount of R-3 Zoned land adjacent to the proposed M-2 zoning in Tax Lot 323. Tax Lot 320 is currently vacant and can be developed with residential uses, however, this area, because of its location, is more likely to be rezoned to and developed as commercial. There are two advantages to the concept of developing this area as commercial. The first advantage is that it extends the existing commercial core in a contiguous manner and is close to the south bound leg of the highway couplet when it happens. The other advantage is that the area will provide commercial services in a compact area and thus reduce the potential for strip commercial along the outer edges of the community. If the area develops as commercial, the adjacent industrial zoning will have little impact. If the area is developed with residential, substantial landscaped buffering would be required to screen the mill from view.

The only other residentially zoned area adjacent to Area 1 is on the south side of Center St. and east of the three existing houses at the end of Center. This area is in the applicant's ownership, is zoned R-2 and only adjoins Area 1 for about 182 feet but extends east past the city's wastewater treatment plant to the westerly boundary of Area 2. Due to the topography in that area, the buildable portion of this lot is on a shelf below the level of the mill and of Areas 1 and 2. In their findings, the applicant states "the change in topography would provide a separation between future residential and industrial uses." Staff agrees with this statement. Houses developed on Tax Lot 300 would be orientated toward the ocean, not toward the mill. The separation in grade would provide both a visual buffer and a buffer against noise generated by the mill. Placing the M-2 Zone over Area 1 will not produce a significant impact on Tax Lot 300.

Area 2.

The area directly east of Area 2 is currently zoned M-2 and beyond that is the I-P Industrial Park Zone. The area directly north of Area 2 is also the site of the mill in the M-2 Zone as is the city's wastewater treatment plant which is adjacent to the southwest corner. The areas to the south and west are zoned R-2.

Area 2 (Tax Lot 500 and 600) differs from Area 1 in that it consists of two separate tax lots and can be sold without going through the partitioning procedure--there is nothing that ties this area directly to the existing mill complex as in Area 1. As a separate tax lot it is more easily developed with any of the permitted uses of the M-2 zone and thus the impact of such zoning is more difficult to determine. Prior to 1987 the entire area north of Wharf St. and west of King St. to the ocean, including the subject Area 2; and the area south of Wharf and west of Cove Rd. to the ocean was all zoned M-2. This area was rezoned in 1987 to its current residential zoning.

The proposed zone change on Area 2 would be an expansion of the existing M-2 Zone westward from the area around King St. and southward from Center St. to Wharf St. The area across Wharf St. from Area 2 is zoned R-2 and is in a different ownership. This area was originally the site of Phases 3 and 4 of the "The Cove" project, however, all approved subdivision/PUD plats over this portion of "The Cove" have not been recorded and have expired. Apparently plans to develop this area as a part of The Cove have been abandoned and the area is now a separate tax lot (Tax Lot 409).

Since Area 2 is a separate tax lot and thus can easily be sold to another party, discussion of the change of zone on this parcel must be looked at in terms of the most intensive permitted use. There are a number of rather intense industrial uses that would be permitted. Area 2 has approximately 500 feet of frontage on Wharf St. adjacent to, and thus the greatest potential impact on, Tax Lot 409. Mitigating this impact would require visual and sound buffering through the use of landscaping and possibly even a berm, when development occurs on Tax Lots 500 and 600. The berm would also buffer the developed portion of The Cove which is located to the south east of Area 2. The applicant has submitted a letter agreeing to provide a landscaped sight and noise buffer along this portion of Wharf St.

The other R-2 Zoned area is located on a shelf of land below the grade level of and adjacent to the westerly boundary of Area 2. Once the purchase is completed, this area will be owned by the applicant. As discussed under Area 1, above, because it is located below the grade of Area 2, this area will be impacted the least from development that occurs in Area 2. As discussed above houses in this area will be oriented toward the ocean and the grade difference will provide a visual and noise buffer from Area 2.

Looking at the effects of the proposed zone change from a different perspective, the current M-2 Zoned land adjoins approximately 2,350 feet of usable residentially zoned land, all of which is vacant. Of this adjoining residential land, 525 feet belongs to the applicant. The proposed change of zone would result in only 2,290 feet of usable adjoining residentially zoned land which is all vacant. Since the applicant is in the process of purchasing Area 2 and the land between Area 2 and the ocean, the change of zone would increase the amount adjoining residential zoned land owned by the applicant to approximately 1,800 feet. The assumption in this case is that the applicant would be willing to take the necessary steps to mitigate the impacts industrial development will place on the adjoining residential land if it is in their ownership and thus more willing to mitigate the impacts on the smaller amount of adjoining land not in their ownership.

Traffic Issues.

Expanding the M-1 Zone into Area 2 will have the potential to increase truck traffic to the site, either as a part of the exiting mill facility or if developed in a different ownership. Currently truck traffic to and from the mill uses Center St. and creates congestion in the area around the mill. If Center St. is closed and Wharf St. extended to intersect Center on the west side of the mill, there is a potential for truck traffic on Wharf St. in the vicinity of the exiting and potential residential development along the south side of Wharf. To mitigate this potential impact, if Center St. is closed, a sufficient portion of the Center St. frontage could be left open to serve any development in Area 2 and Wharf St. would be closed to truck traffic south of King St. Under this scenario the impact of traffic on the surrounding neighborhood would not change significantly, however, since Wharf St. would be the access to the three houses those residents would have better street conditions and less congestion.

The areas that would be most impacted by traffic through the expansion of more industrially zoned land in that area will be the east end of Center St. and Railroad St.

Compliance With The Comprehensive Plan

The applicant has submitted findings addressing each of the applicable goals of the Comprehensive Plan. The following is staff's comment on these findings.

Goal 1, Citizen Involvement. Staff agrees with this statement and would add that both the published notice and the mail-out notice will be made prior to both the Planning Commission hearing and the City Council hearing. Thus the public is made aware of the issue on two separate occasions and have two opportunities to comment on the proposed zone change.

Goal 2, Land Use Planning. Staff agrees with this statement. The applicant has provided the materials required under Section 144, Amendments, of the Land Development Code and the applicable provisions of Goal 2 have been satisfied.

Goals 3 and 4, Agricultural and Forest Lands. The Comprehensive Plan policies of Goals 3 and 4 are to support the county in their effort to protect forest and agricultural lands. The proposed change of zone does not impact farm or forest land.

Goal 5, Open Spaces, Scenic and Historic Areas and Natural Resources. Staff agrees with this statement.

Goal 6, Air, Water and Land Resources Quality. Staff agrees with this statement.

Goal 7, Areas Subject to Natural Disasters and Hazards. Staff agrees with this statement.

Goal 8, Recreational Needs. The applicant's findings state that the proposed change of zone will not affect any recreational facilities. This statement is essentially correct even though there are softball fields within subject Area 2. These fields are on private property and the past owner has allowed the softball groups to use the fields. No formal or public recreational facility will be affected by the proposed zone change.

Goal 9, Economy of The State. This particular goal is one of the most important in regard to the requested Comprehensive Plan and zone change. Staff agrees with the statement in the applicant's findings relating to this goal. The statement is correct that the city has identified a need for approximately 170 acres of industrially zoned land in the next 20 years and this zone change will satisfy part of that need. The city is also in need of an expanded and/or diversified employment base which the proposed zone change would help provide.

Although Area 2 of the subject zone change consists of two separate tax lots that could be sold off, the most likely scenario is that the mill will be expanded into this area. The expansion of the mill, in turn, means an expansion of the employment and economic base of the city. If the mill does not expand into Area 2 and the lots are sold to a different owner, it is likely that the new owner would have a development scheme for the property and even if not, the property would be available for badly needed industrial development.

Although the proposed Plan/Zone change will have potential impacts on residentially zoned land, these impacts can be mitigated with buffering and can be offset to a certain extent by the need for industrial land and a broader economic base.

Goal 10, Housing. Staff agrees with this statement. As discussed above the city and county have recognized a need for about 170 acres of industrial land within the new Urban Growth Boundary(UGB). The UGB study also identified a specific amount of land needed for future residential growth. The proposed Plan/Zone change will decrease the amount of industrial land needed for the future by approximately 15.9 acres, and increase the amount of residentially zoned

land needed by the same amount. This does not create a problem, however, because when the land use map is prepared for the new UGB, the amount of land designated as industrial and residential will be adjusted accordingly. The proposed Plan/Zone change will not affect the needs balance established for the new UGB.

Goal 11, Public Facilities and Services. Staff agrees with this statement.

Goal 12, Transportation. Staff agrees with this statement. See discussion under Traffic Issues above.

Goal 13, Energy Conservation. Staff agrees with this statement.

Goal 14 Urbanization. Staff agrees with this statement. Although under today's conditions, it would not be particularly desirable to place a industrial use on the site of the exiting plywood mill, this area has been established as an industrial area with various industrial uses for many years. The need to expand the economy of the community and the fact that the plywood mill is the largest single part of the economy, make it essential that the means to expand the mill is provided. The fact that there are other industrial uses on industrially zoned land adjacent to the subject Area 2, lessens the severity of the zone change and reduces the area that must be buffered from impacts. If the mill does not expand into Area 2 and it is sold into different ownership, the Plan/Zone change provides needed industrial land in a core area of industrial uses.

Goal 15, Willamette River Greenway. This goal does not apply to nor is addressed in the Brookings' Comprehensive Plan.

Goals 16, 17 and 18, Estuarine Resources, Coastal Shore Lines, Beaches and Dunes. Staff agrees with the applicant's statements regarding these three goals.

Summary

The city's Land Development Code does not provide specific criteria that must be considered when deciding a Comprehensive Plan and Zone Change. The Commission must consider the permitted uses allowed by the requested zone and the impact those uses will have on the surrounding land uses. The Commission must also consider how the requested change complies with the goals and policies of the Comprehensive Plan.

As shown in the discussion above and in the findings submitted by the applicant, the requested zone change is consistent with the goals and policies of the Comprehensive Plan and that in fact the proposed change will serve the policies of Goal 9, Economy of State, by creating more industrially zoned land that will provide the opportunity for the plywood mill to expand and thus create a larger employment base. If the mill does not expand and the newly zoned area is sold into a different ownership, the change still provides additional land to offset the projected need for 170 acres of industrial land in the next 20 years. Adjustments will be made in the land use map for the new UGB to make up for the residential land lost in this zone change.

The greatest impact of the requested zone change is that of compatibility of placing industrial uses adjacent to residentially zoned land. Actually the impact has always existed because the residentially zoned land that is the subject of this request is currently adjacent to industrial development. The difference is that under the current situation the subject land, Area 2, was first zoned industrial and changed to residential in 1987 which placed the residential land adjacent to the developed industrial

land. The other difference is that the industrial use was already in place when the adjoining land was rezoned to residential. The burden of providing buffering usually falls on the development of industrial land, however, in this case, since the industrial development already existed, that owner could not be made to provide buffering. The subject requested zone change will reverse this process and result in vacant industrially zoned land being created next to residential land. In this case, when development occurs within Area 2, the developer should supply buffering in the areas adjoining residential land.

The proposed change of zone should make no change in the pattern of industrial traffic serving the existing and newly zoned areas. The amount of traffic within this pattern may, however, may increase. If Center St. is vacated, the closure will be in such a manner that Area 2 will still gain access from Center, even if sold to a different entity. Truck traffic will be restricted on Wharf St. west of the intersection with King St.

It is staff's opinion that the requested zone change is warranted and that the impacts created by the change can and will be mitigated satisfactorily.

FINDINGS

1. The applicant is requesting a Comprehensive Plan and Zone Change on two parcels of 2.90 and 13.00 acres. The request on the 2.9 acre parcel, known as Area 1 is from a Comprehensive Plan designation of Residential to a designation of Industrial and a zone change from R-3 (Multiple-Family Residential) to M-2 (General Industrial). The request on the 13.00 acre parcel, known as Area 2, is from a Comprehensive Plan designation of Residential to a designation of Industrial and a zone change from R-2 (Two Family Residential) to M-2.
2. Area 1 of the this request is an area added to Tax Lot 323 from Tax Lot 320 through a lot line adjustment approved earlier and is vacant. Area 2 consists of two tax lots, Tax Lots 500 and 600, that are located on the south side of Center St. and adjacent to the north side of Wharf St. approximately 500 feet west of the intersection with King St. Area 2 is also vacant and is being purchased by the applicant.
3. The area west of Area 1 is vacant, is zoned R-3 and includes the old mill pond which is located within a separate tax lot. This area is owned by the applicant. The area to the north of Area 1 is zone C-3 (General Commercial) and is developed accordingly. The area to the southwest of Area 1 is zoned R-2 and contains three single family homes. The area to the south of Area 1 is also zoned R-2, is vacant and is being purchased by the applicant. The area to the east of Area 1 is zoned M-2, is developed with a plywood mill and is owned by the applicant.
4. The area to the west of Area 2 is zoned R-2, is vacant and is being purchased by the applicant. This is the R-2 Zoned area south of Area 1. The area north of Area 2 is zoned M-2 and is the site of the plywood mill. The area to the east of Area 2 is zoned M-2 and then I-P (Industrial-Park) and is developed accordingly. The area to the southeast of Area 2 is zoned R-2 and R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size), and is the site of a Planned Community called "The Cove". The area directly south of Area 2 is zoned R-2 and is vacant. The area to the southwest is zoned M-2 and is the site of the city's wastewater treatment plan.
5. Center St. is a paved travel way within a 50 foot wide right-of-way with no other improvements.

6. Wharf St. is a paved travel way within a 50 foot wide right-of-way with no other improvements in the area adjacent to the subject Area 2.
7. The needs assessment document prepared for the recent expansion of the Brookings Urban Growth Boundary, projected a need for 170 acres of additional industrially zoned land within the next 20 years.
8. Under the current zoning configuration, the M-2 zone is adjoined by usable residential land for approximately 2,350 linear feet, 525 feet of which is residential land belonging to the applicant. The proposed Plan/Zone change would reduce this to about 2,290 linear feet and, if the purchase is completed, approximately 1,800 feet of which is residential land which would be owned by the applicant.
9. There is a water main located in both Center St. and in Wharf St.
10. There is a sewer main located in Wharf St. and in the westerly portion of Center St. adjacent to Area 1, however, the City of Brookings has identified a limited maximum capacity in its wastewater treatment plant. This land use approval does not constitute a representation or commitment that capacity will exist in the wastewater treatment system of the City of Brookings to serve the development proposed. The availability of connection approvals to the wastewater treatment system are on a first come-first serve basis and regulated under the provisions of Ordinance No. 88-0-430.
11. The applicant has submitted additional findings in support of the requested Plan/Zone Change. These findings are attached and serve to compliment and supplement the above findings. The applicant's findings are attached to and made apart of this report.
12. The applicant has submitted a letter agreeing to the provision of a landscaped sight and noise buffer along the north side of Wharf St. adjacent to the residentially zoned land not in their ownership.

CONCLUSIONS

1. The most significant impact of the proposed Plan/Zone change will be that of placing industrially zoned land adjacent to residentially zoned land, however, the situation is somewhat better with the change than under existing conditions. Under the existing conditions the industrial use already exists adjacent to residentially zoned land and therefore buffering would be burden of the developer of the residential land. With the proposed zone change, vacant industrial land would be placed adjacent to residential land and buffering would be provided by the developer of the industrial land. Although it is a minor point, when the purchase of Area 2 and the land to the west of it is completed, the applicant will own most of the residentially zoned land adjoining the newly zoned industrial land. The applicant therefore has an interest in ensuring that the land is buffered from the industrial use to enhance their ability to either develop it or sell it for development. Area 2 will have about 500 feet of frontage on the north side of Wharf St. which fronts on residential land to the south which is not in the applicant's ownership. This land, however, is in the ownership of the seller or former owner of the subject Area 2. When Area 2 develops the applicant has agreed in writing to create a landscaped noise and visual buffering along this Wharf St. frontage.

2. Area 1 has approximately 500 linear feet that adjoins usable residentially zoned land to the west, which is also in the applicant's ownership. This area is zoned R-3, however, because of its location it is more suitable for eventual commercial use. If the use is converted to commercial the impact of the proposed expansion of the M-2 zone will have little impact. If the area does develop with multiple family uses, some form of buffering will be required along this 500 foot interface. Since the residential land is in the applicant's ownership, as mentioned above it is in the applicant's interest to ensure that the land can be developed under whatever zone may ultimately be applied. Area 1 also adjoins, for a short distance, the R-2 Zoned land to the southeast that contains the three existing single family homes. These homes are currently buffered from the existing plywood mill activities by a ravine that follows the north side of Center St. in that area. This ravine is where the outfall from the old mill pond flows to the ocean and is overgrown with large alder trees, willows and brush that make a natural visual and noise barrier.
3. The proposed Plan/Zone change will have little impact on the circulation pattern of industrial traffic serving the mill and/or the newly rezoned land. The applicant has discussed the possibility of closing Center St. and extending Wharf St. to intersect with Center on the west side of the mill complex to serve the houses at the end of Center.. If Center St. is vacated, the first 400 feet west of Railroad St. will remain open and will maintain the current access to the mill and also provide access into the subject area two Area2. Wharf St. will be closed to industrial traffic west of King St. If Center St. is not vacated, it would still be the primary access to the mill complex and to the subject Area 2 and industrial traffic can still be restricted on Wharf west of King St.

The proposed change of zone will have the potential to add traffic to Railroad St., Center St. and the surrounding street system. This potential increase has been accounted for in both the South Coast Transportation Systems Study which was completed in 1996, the Highway 101 Couplet Refinement Study just being completed and the Transportation Plan that is underway. Although the current location of the mill complex is today not the most ideal location for an industrial complex, the mill has been in this location for many years and all of the land to the west and south were once zoned the equivalent to today's M-2 Zone (The area was all zoned M-G under the old zoning designations). The proposed zone change on Area 2 is contiguous on two sides with existing industrial zoning and thus the proposed expansion can use existing streets and other infrastructure. The potential use of Area 2 is for the expansion of the existing plywood mill which is the largest single employer in the community. The expansion of the mill would provide a broader and more stable employment base for the community. In the event that Area 2 is sold to another owner, the land would still be available for needed industrial development and the associated jobs.

4. The applicant's findings address all of the applicable Goals of the City's Comprehensive Plan. Goals 1, 2, 9, 10, and 14 of the Comprehensive Plan are the most applicable in this case. The applicant's findings address all of these Goals adequately. The policies of Goal 9, Economy of The State, call for a diversified economy for the community. The proposed Plan/Zone change will provide either room for the existing mill to expand or additional land for industrial expansion. The needs assessment prepared for the recent Urban Growth Boundary projected a need for an additional 170 acres of industrial and for the next 20 years. This expansion will provide 15.90 of those industrial acres in an area currently occupied by industrial uses. The loss of 15.90 acres of residential land, Goal 10, Housing, will be offset when the land use map is prepared for the new UGB so the needs balance will remain constant.

5. The proposed Plan/Zone change is consistent with the goals and policies of the Comprehensive Plan and the applicable provisions of the Land Development Code. The impact on residential land would be somewhat the same as under current conditions except the impact will fall on different residential land and these impacts can be mitigated through the use of landscaping for visual and noise buffering. The proposed Plan/Zone change will provide land for needed industrial development.

RECOMMENDATION

Staff recommends **APPROVAL** of Case File No. CPZ-1-98, based on the findings and conclusions stated in the staff report.



APPLICATION NARRATIVE

GENERAL INFORMATION

Applicant: South Coast Lumber Company
Gordon Ball, CFO
PO Box 670
Brookings, OR 97415
(541) 469-2136

Representative: Silas W. Davis, III, David Evans and Associates, Inc.
2828 SW Corbett Ave.
Portland, OR 97201
(503) 223-6663

Owners: South Coast Lumber Company
PO Box 670
Brookings, OR 97415
(541) 469-2136
(owner of Tax Lot 323--see Appendix A)

Real Estate Exchange, Inc.
10415 SE Stark St.
Portland, OR 97216
(503) 257-4082
(owner of Tax Lots 500 and 600--see Appendix A)

Request: Zoning Map Change from R-2 and R-3 to M-2
and Comprehensive Plan and Map Amendment from Residential to Industrial

Location: Area 1 (zoned R-3): South of Railroad Street, north of Center Street, and east of Mill Beach Road and the mill pond (on Tax Lot 2300)--Area 1 comprises the westernmost portion of Tax Lot 323 (recently included in Tax Lot 323 through a property line adjustment). (The eastern portion of Tax Lot 323 is zoned M-2.)
Area 2 (zoned R-2): South of Center Street, north of Wharf Street, and west of King Street. Area 2 comprises Tax Lots 500 and 600. (See enclosed Plan.)

Legal: Township 41 South, Range 13 West, Section 6 (Assessor's Map No. 41-13-6D and Index) Tax Lots 323, 500, 600



Total Land Area: 15.9 acres affected by this proposal
Area 1 (portion of Tax Lot 323) = 2.9 acres
(total area of Tax Lot 323 = 16.5 acres)
Area 2 = 13.0 acres
(Tax Lot 500 = 11.8 acres; Tax Lot 600 = 1.2 acres)

ZONING INFORMATION

Existing: M-2 (General Industrial), R-2 (Two-Family Residential), R-3 (Multi-Family Residential)

Proposed: M-2 (General Industrial)

Surrounding: North - C-3; West - R-3; South M-2 and R-2; East - M-2 and I-P

LAND USE INFORMATION

Existing: Predominantly vacant except for South Coast Lumber Co. plywood mill on Tax Lot 323

Proposed: No additional uses are proposed at this time, although the proposed Plan Amendment and Zone Change would allow for anticipated expansion of the existing plywood mill.

Surrounding: North - commercial; West - residential; South - residential, vacant, and industrial (City wastewater treatment plant); East - industrial and nonconforming residential.

BACKGROUND

The two areas included in this application are contiguous to the South Coast Lumber Company plywood mill site in Brookings, Oregon. The mill is located on Tax Lot 323 (Assessor's Map Number 41 13 6D). The subject property is shown on the enclosed plan, which indicates the Proposed Plan Amendment and Zone Change, and conforms to the City of Brookings plan requirements for this amendment application.

Area 1 comprises approximately 2.9 acres and is the westernmost portion of Tax Lot 323. Prior to 1990, Area 1 (which was part of Tax Lot 320, immediately west of the mill site), was zoned M-2 (General Industrial) and designated in the Comprehensive Plan for Industrial use. In 1990, the applicant, South Coast Lumber Co., requested a Plan Amendment to redesignate Tax Lot 320 as Residential and to rezone the parcel to R-3 (Multi-Family Residential). The Plan Amendment was approved and adopted. In January 1998, Area 1 was included in Tax Lot 323 through a property line adjustment, which increased the area of Tax Lot 323 from approximately 13.6 acres to 16.5 acres. The applicant now requests a Plan Amendment and Zone Change to return Area 1 of Tax Lot 323 to an Industrial plan designation and M-2 zone, which would eliminate the existing split zoning of Tax Lot 323.

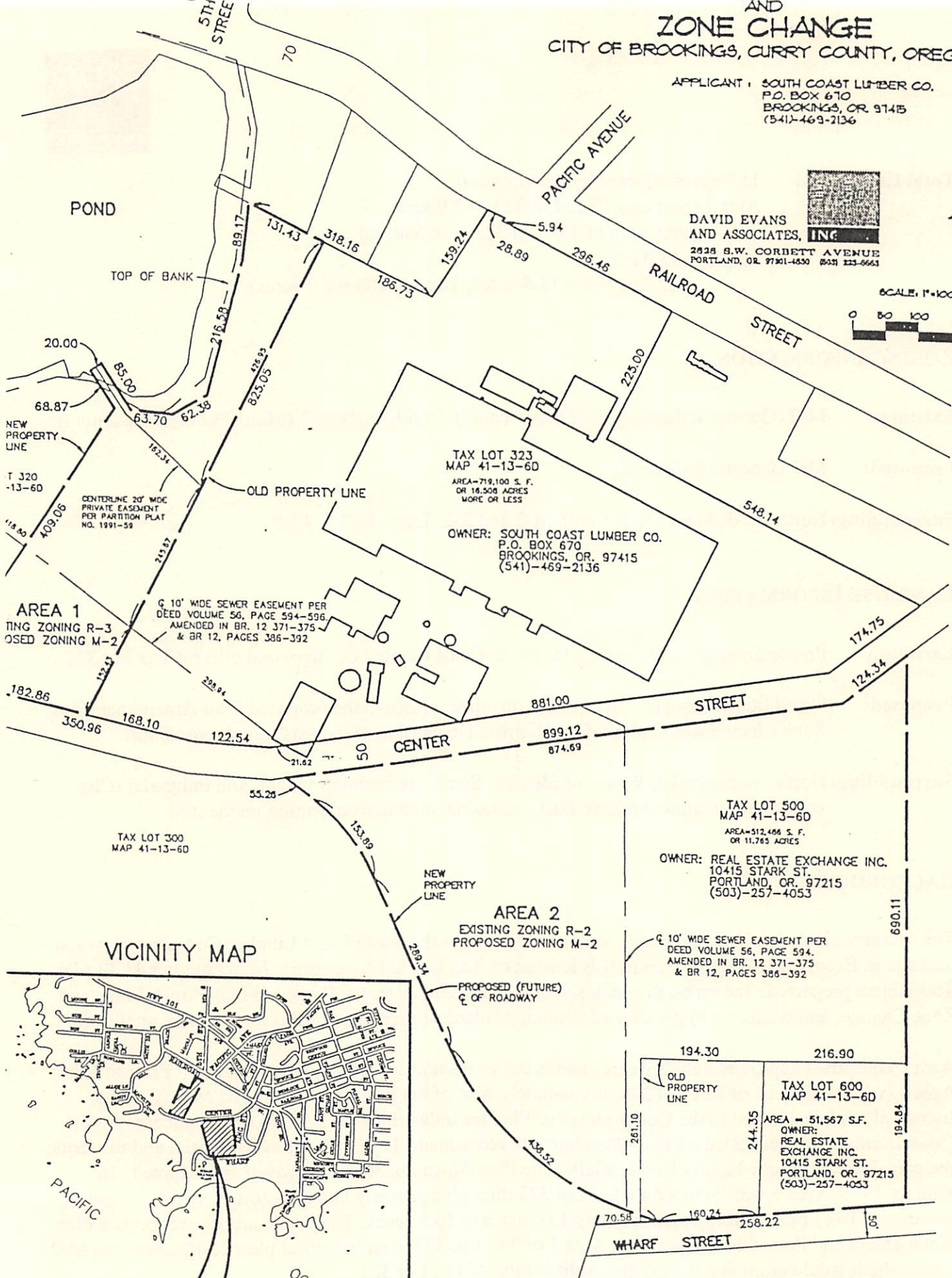
AND ZONE CHANGE CITY OF BROOKINGS, CURRY COUNTY, OREGON

APPLICANT: SOUTH COAST LUMBER CO.
P.O. BOX 670
BROOKINGS, OR 97415
(541)-469-2136

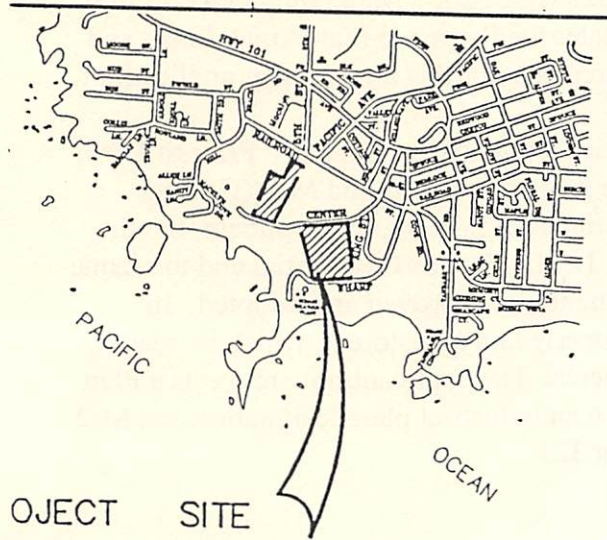
DAVID EVANS
AND ASSOCIATES, INC.
2828 S.W. CORBETT AVENUE
PORTLAND, OR 97201-4630 (503) 223-6663



SCALE: 1"=100'



VICINITY MAP



OBJECT SITE

SURVEY PREPARED BY:
DAVID EVANS AND ASSOCIATES, INC.
DATE OF SURVEY: JANUARY, 1998



Area 2 of this proposal encompasses Tax Lots 500 and 600 (Assessor's Map Number 41 13 6D). The area of Tax Lot 500 was also recently increased through a property line adjustment. Both parcels now comprise approximately 13.0 acres. The parcels are designated for Residential use in the Comprehensive Plan and zoned R-2 (Two-Family Residential). The applicant requests a Plan Amendment and Zone Change for Area 2 to an Industrial plan designation and M-2 zone.

Legal descriptions of Areas 1 and 2 are included as Appendix B of this narrative.

The applicant does not propose any development or improvements to Areas 1 or 2 at this time, although the Plan Amendment and Zone Change would allow for future expansion of industrial uses near the plywood mill site. The applicant's future plans for the site include an extension of Wharf Street from its terminus, northerly along the western boundary of Tax Lot 500, to Center Street.

Access to the site is provided by Railroad Street, Pacific Avenue, Center Street, and Wharf Street.

The site is served by both City water and sewer.

CONFORMANCE WITH LOCAL PLANS AND POLICIES

As required by the City of Brookings Land Development Code, Section 144.030.E., the applicant must provide a statement and supportive evidence indicating the precise manner in which the proposed Comprehensive Plan Amendment and Zone Change is in conformance with the City's comprehensive plan and each of the applicable provisions of the Development Code. The applicant's statement and evidence addressing the Comprehensive Plan policies and goals and applicable Code provisions is provided below. The statement includes discussion of potential impacts of the proposal. The applicant has also provided a demonstration of how the proposal addresses the public need.

Comprehensive Plan

Goal 1, Citizen Involvement: The review process for the proposed amendment will include public hearings before both the Planning Commission and the City Council. The public hearings provide for citizen involvement. The City will notify citizens of the proposal and associated public meetings through a notice in the local newspaper, as required by Section 84 of the Brookings Development Code. In addition, the applicant has supplied the City with a list of all property owners (names and mailing addresses) within 250 feet of the project site; the City will mail notice of the proposed amendment and public hearings to those property owners. (A list of property owners within 250 feet of the subject property is included in Appendix C of this narrative.) Interested or concerned citizens may participate in the public hearings by submitting evidence, and/or oral or written comments for consideration by the City.

Goal 2, Land Use Planning: The applicant, by providing this application narrative and map, has attempted to prove the need for the Plan Amendment and Zone Change to allow for a change in land use, thereby addressing Policy 2 of Goal 2. It is expected that the City will follow the procedures established in the Brookings Land Development Code, Section 144 *Amendments* and other sections, that address the remaining Goal 2 policies.

Goal 3, Agricultural Lands: The proposal does not affect agricultural lands; therefore, Goal 3 is not applicable.

Goal 4, Forest Lands: The proposal does not affect agricultural lands; therefore, Goal 4 is not applicable.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The subject property is not designated by the Comprehensive Plan as an open space, scenic or historic, or natural resource area. Tax Lot 323 is adjacent to the existing mill pond to the west which, although apparently created through human activity, is considered a wetland. Tax Lot 2300, which encompasses the mill pond, contains a buffer ranging from approximately 20 feet to 120 feet wide between the mill pond and Tax Lot 323.

The proposed Plan Amendment and Zone Change would allow for expansion of the existing mill or development of other industrial uses. The proposal may reduce energy consumption by concentrating related industrial uses and, thus, reducing the need for travel or transporting goods between those uses.

Goal 6, Air, Water and Land Resources Quality: The subject property is served by City water and sewer. The proposed Plan Amendment and Zone Change would not directly impact the air, water, and land resources quality in the area. Future development on the site would generate additional runoff from impervious surfaces and may affect water quality. However, the runoff from industrial development (to be allowed through the Plan Amendment) should not pose more of a threat to water quality than runoff from residential development (allowed under the current Plan designation). Future industrial development would likely be required to include facilities for stormwater treatment. Similarly, future extension of Wharf Street would include design features to address stormwater runoff.

Air pollution is not recognized as a problem in the Brookings area. However, the proposed Plan Amendment and Zone Change would allow development of industrial uses near existing industrial uses, thus reducing the need for travel or transporting goods between those uses. Reducing travel results in reduced vehicle emissions.

Goal 7, Areas Subject to Natural Disasters and Hazards: The subject property is not in an area subject to natural hazards or disasters as identified in the Comprehensive Plan, i.e., it is not located in a flood hazard zone nor in an area with steep slopes or considered to be highly susceptible to erosion.

Goal 8, Recreational Needs: The proposed Plan Amendment and Zone Change would not affect any parks or other recreation facilities.

Goal 9, Economy of the State: Policy 2 of Goal 9 states that the City "will encourage the diversification of the City and the regional economy. The City wishes to create new employment opportunities while sustaining and expanding existing economic sectors. The proposed Plan Amendment and Zone Change would increase by 15.9 acres the amount of industrial land within the Brookings urban growth boundary (UGB). The City of Brookings has identified a need for additional land designated for industrial uses. The most recent assessment of land needed for industrial use (prepared for the City in 1994) identified a future need for nearly 170 acres of industrial land within the City's UGB (as it existed in 1994)¹. The applicant's proposal would address the City's need for additional industrial land to provide for future industrial development in the area. According to a study prepared for the City of Brookings in assessing its need for UGB expansion,² the city has received numerous calls from small-scale industrial users interested in smaller (one- to five-acre) sites with services in place. The proposed Plan Amendment and Zone Change would add a relatively small, vacant, industrial site, served by water and sewer, to the City's industrial land inventory. Adding additional industrial land within the city and near other industrial and commercial uses would encourage economic diversification.

The applicant's proposal would also allow for future expansion of the South Coast Lumber plywood mill, should South Coast decide to do so. The existing mill is located on Tax Lot 323, immediately east of Area 1 and immediately north of Area 2 of this proposal. The mill is an important part of the Brookings economy, providing both direct and indirect economic benefits through jobs and local expenditures. Approval of the proposed amendment would allow "sustaining and expanding existing economic sectors," as stated in Policy 1 of Goal 9.

Goal 10, Housing: Should the proposal be approved, it would result in a loss of residential land: 2.9 acres zoned for multi-family residential (R-3) and 13.0 acres zoned for two-family residential (R-2). However, the City's recent UGB expansion can be expected to provide an adequate supply of residential land to meet expected needs. In addition, the land proposed for redesignation has remained vacant since 1991, when it was zoned for residential use, which may indicate it is relatively undesirable for residential development. The areas are adjacent to existing industrial land and industrial uses (plywood mill) on Tax Lot 323. Also, when the areas proposed for rezoning were zoned for residential uses in 1990, the Brookings area was experiencing slow industrial growth. Currently, the applicant anticipates a potential need to expand its existing industrial facility on Tax Lot 323; the economic conditions have changed.

Tax Lot 300 would remain designated for residential use. Although Tax Lot 300 is immediately adjacent to Tax Lot 500, proposed for redesignation for industrial use, Tax Lot 300 is effectively separated from Tax Lot 500 by topography. The property line between the two parcels generally follows a ridge line; Tax Lot 500 is on relatively flat land, while the topography of Tax Lot 300 slopes down to the shoreline, offering potential residences views of the ocean. The change in topography would provide a separation between future residential and industrial uses.

¹ "Brookings Urban Growth Boundary Expansion and Urban Reserve Boundary Establishment Study." December 29, 1994 update. Prepared by David Evans and Associates, Inc. for the City of Brookings.

² Ibid.

Goal 11, Public Facilities and Services: The subject property is within the Brookings city limits and is served by both water and sewer.

Goal 12, Transportation: The proposed Plan Amendment and Zone Change would not, in itself, contribute additional traffic to the area. Future development of the site may increase the number of trucks in the area. Currently, Center Street provides access to the plywood mill and to residences west of the mill. The mix of traffic can potentially cause delays for homeowners as they wait for trucks to enter and exit the mill site, and increases the potential for conflicts between automobiles and trucks. The applicant anticipates an extension of Wharf Street in the future, which would provide an alternative access route to existing and potential residences west of the subject property. The applicant may, after an extension of Wharf Street is accomplished, propose to limit Center Street's service to that of private access for the applicant's industrial property, thus mitigating potential traffic conflicts.

The proposal should result in more efficient transportation. By allowing for concentration of related industrial uses, the Plan Amendment and Zone Change would reduce the need for travel or transporting goods between those uses.

Goal 13, Energy Conservation: The City's policies under Goal 13 include managing land and land uses to maximize energy conservation, and to encourage infilling of undeveloped parcels within the city. The applicant's proposal addresses these policies by allowing for expansion of an existing use on adjacent vacant areas, and by reducing the distance between related industrial uses, thus reducing fuel consumption for transporting goods.

The proposal would also eliminate the split zoning of Tax Lot 323. Currently, the majority of Tax Lot 323 (13.6 acres) is zoned M-2; the parcel is partially occupied by the applicant's plywood mill. The remainder of Tax Lot 323 (2.9 acres) is zoned R-3. The 2.9 acres (referred to as Area 1 elsewhere in this application) is a relatively narrow strip of land in the westernmost portion of the parcel. Under the current situation, it is unlikely that the 2.9 acres would develop with residential uses (because it is part of a larger industrial parcel). Redesignating Area 1 to conform with the designation of the remainder of Tax Lot 323 would allow for more efficient development of the parcel.

Goal 14, Urbanization: Policy 4 under Goal 14 states that the City "shall encourage the development of industrial and commercial lands in such a way as to insure a proper diversification of the local and regional economy." The proposal would allow for future industrial development and/or expansion of an existing industrial use, although no specific development is proposed at this time. The mill is an important part of the local and regional economy, providing both direct and indirect economic benefits through jobs and expenditures. In addition, the applicant has historically adjusted to shifts in the timber industry and has remained a stable employer. Because South Coast Lumber owns much of its own timber, it is not reliant on government sales and, therefore, has not suffered the type of losses experienced by many others in the timber industry. It is reasonable to expect that the applicant will continue to manage its resources, including the subject property, in ways that benefit the local economy.

(The City of Brookings Comprehensive Plan does not contain a Goal 15.)

Goal 16, Estuarine Resources: The subject property is not located on or near the Chetco River estuary, and the proposal should not affect that resource.

Goal 17, Coastal Shorelands, and Goal 18, Beaches and Dunes: The subject property is not located adjacent to the ocean and does not include any beaches or dunes. The proposal should not affect those resources.

Development Code

Section 144 of the Brookings Development Code contains the applicant's responsibilities in applying for a Plan Amendment and Zone Change. As required by Section 144, the applicant has shown how the proposal conforms with the Comprehensive Plan. Section 68 of the Brookings Development Code contains the criteria for proposed uses in the General Industrial (M-2) District. As the applicant proposes to redesignate the subject property to M-2, the proposal must not create a situation which does not conform to the M-2 criteria.

Typically, a proposal to redesignate an area must demonstrate that the parcel(s) to be redesignated must meet the minimum lot size and frontage requirements of the zone. However, the M-2 District does not have minimum lot size or frontage requirements. The M-2 District criteria and conditions relate exclusively to proposed *uses* in the District. Because the applicant does not propose any development or change in use at this time, the M-2 criteria are not applicable to the proposal. However, the criteria must be addressed when development of the site is proposed.

CONCLUSION

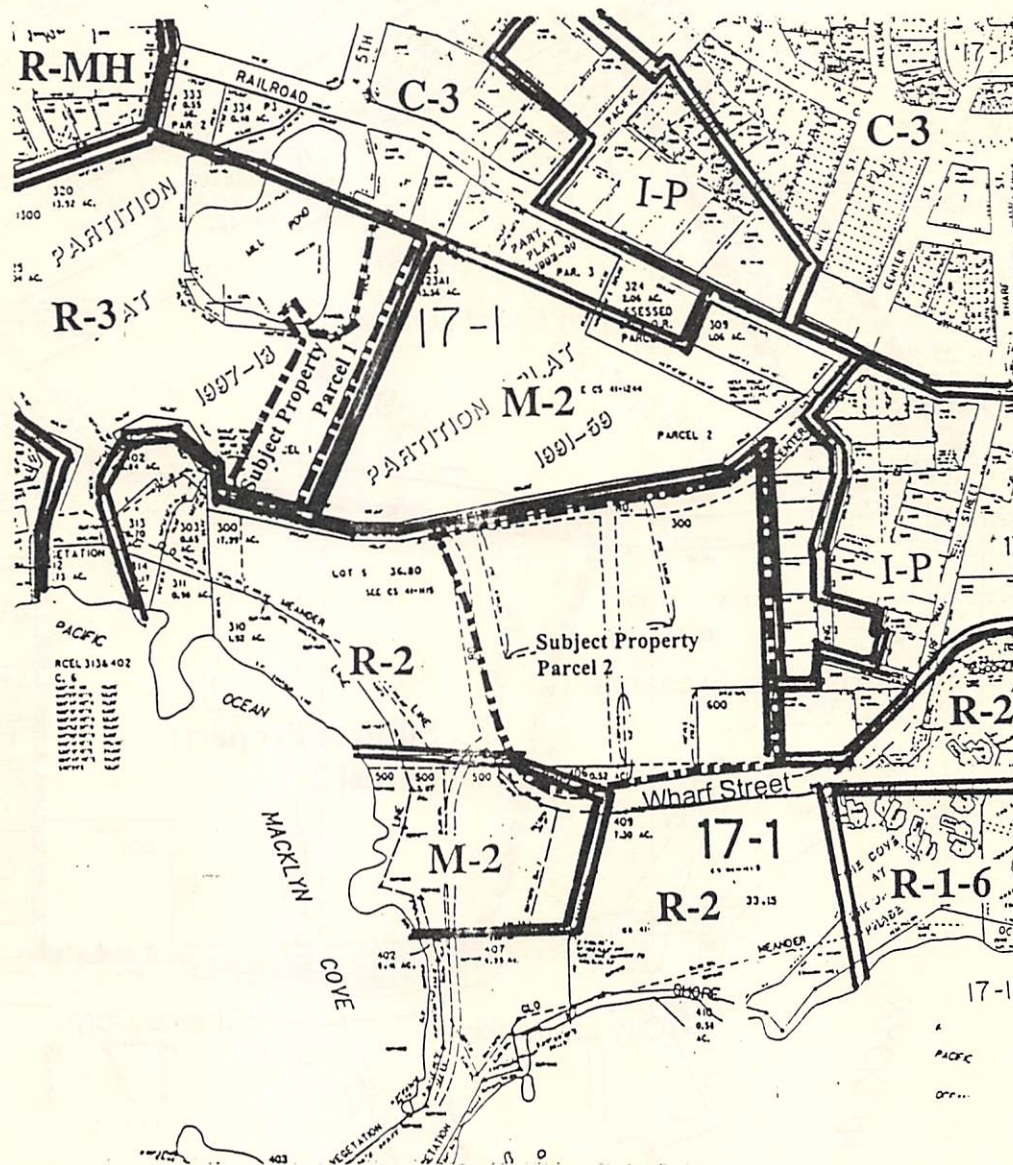
The proposed Plan Amendment and Zone Change would result in the redesignation of 15.9 acres within the Brookings urban growth boundary (UGB) from residential to industrial land. The City of Brookings has identified a need for additional land designated for industrial uses. The City has identified a need for additional land designated for industrial use. The applicant's proposal would address the City's need for additional industrial land to provide for future industrial development in the area. It would allow for expansion of existing industrial uses and/or development of new uses that would help diversify the local economy.

In addition, redesignation of Area 1 would eliminate the split zoning that exists on Tax Lot 323. Currently, Area 1, a narrow strip of land (2.9 acres) in the western portion of Tax Lot 323 is zoned R-3 and designated Residential, while the remainder of the parcel (13.6 acres) is zoned M-2 and designated Industrial. The 2.9 acres of Area 1 is unlikely to develop with residential uses under the existing zone configuration; redesignation would encourage more efficient use of the parcel.

Although other opportunities to redesignate land within the UGB for industrial uses may arise, none are being considered at this time, to the applicant's knowledge. In addition, the subject property lies within the city limits, unlike many other vacant areas within the UGB. Its location within the city, in addition to its proximity to an existing industrial area, qualifies the subject property for designation for industrial land uses.

The proposed Plan Amendment and Zone Change comply with the goals and policies of the Brookings Comprehensive Plan and applicable portions of the Brookings Land Development Code.

KLG:clm:SOLX0021:solzone.doc



APPLICANT: South Coast Lumber

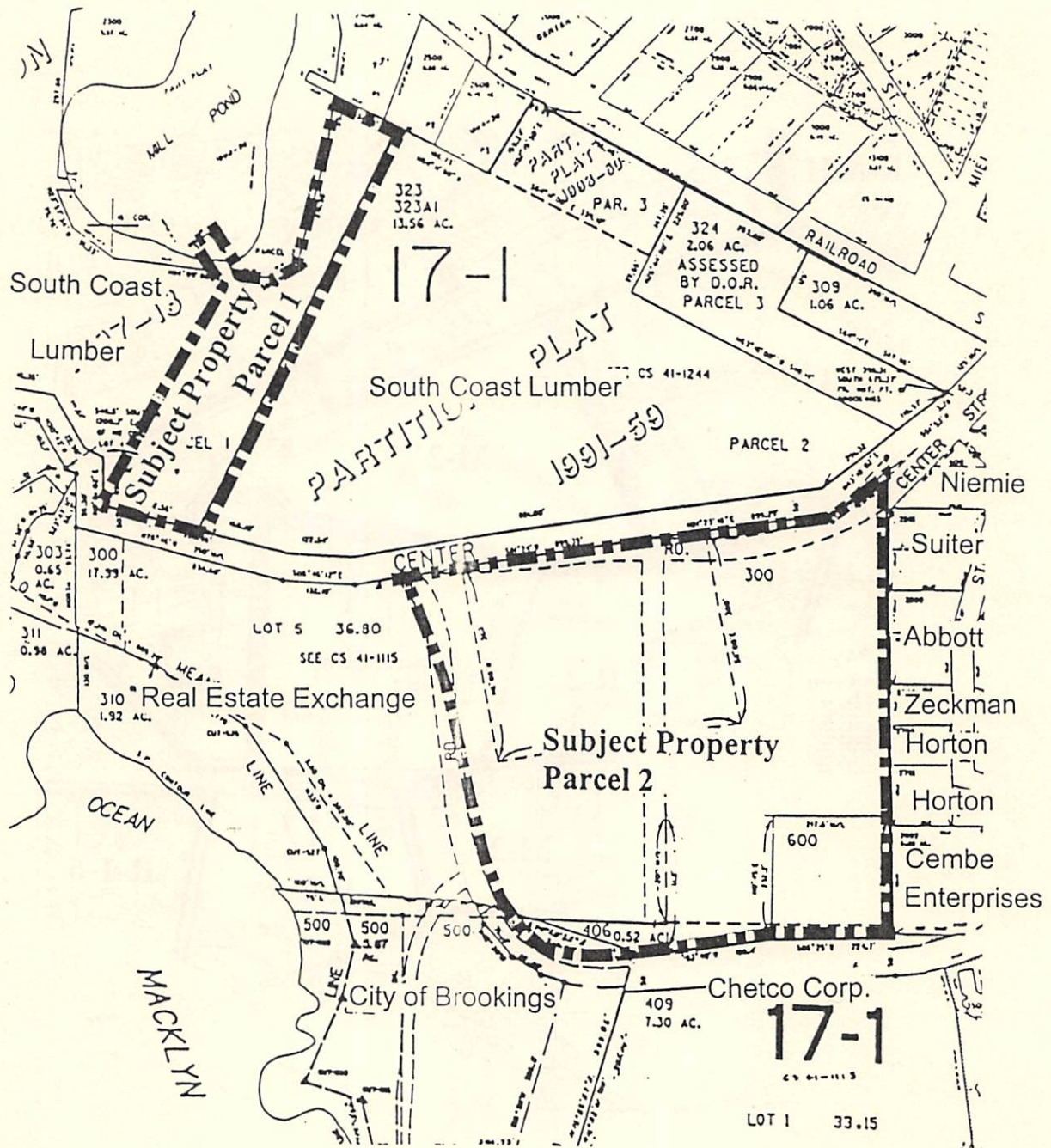
ASSESSOR'S NO: 41-13-6D Tax Lots 323, 500 & 600

LOCATION: Parcel 1 northerly side of Center St. Parcel 2 southerly side of Center Street

SIZE: Parcel 1: 2.9 acres Parcel 2: 13.0 acres

ZONE: Parcel 1: R-3 (Multiple-family Residential) Parcel 2: R-2 (Two-family Residential)





APPLICANT: South Coast Lumber

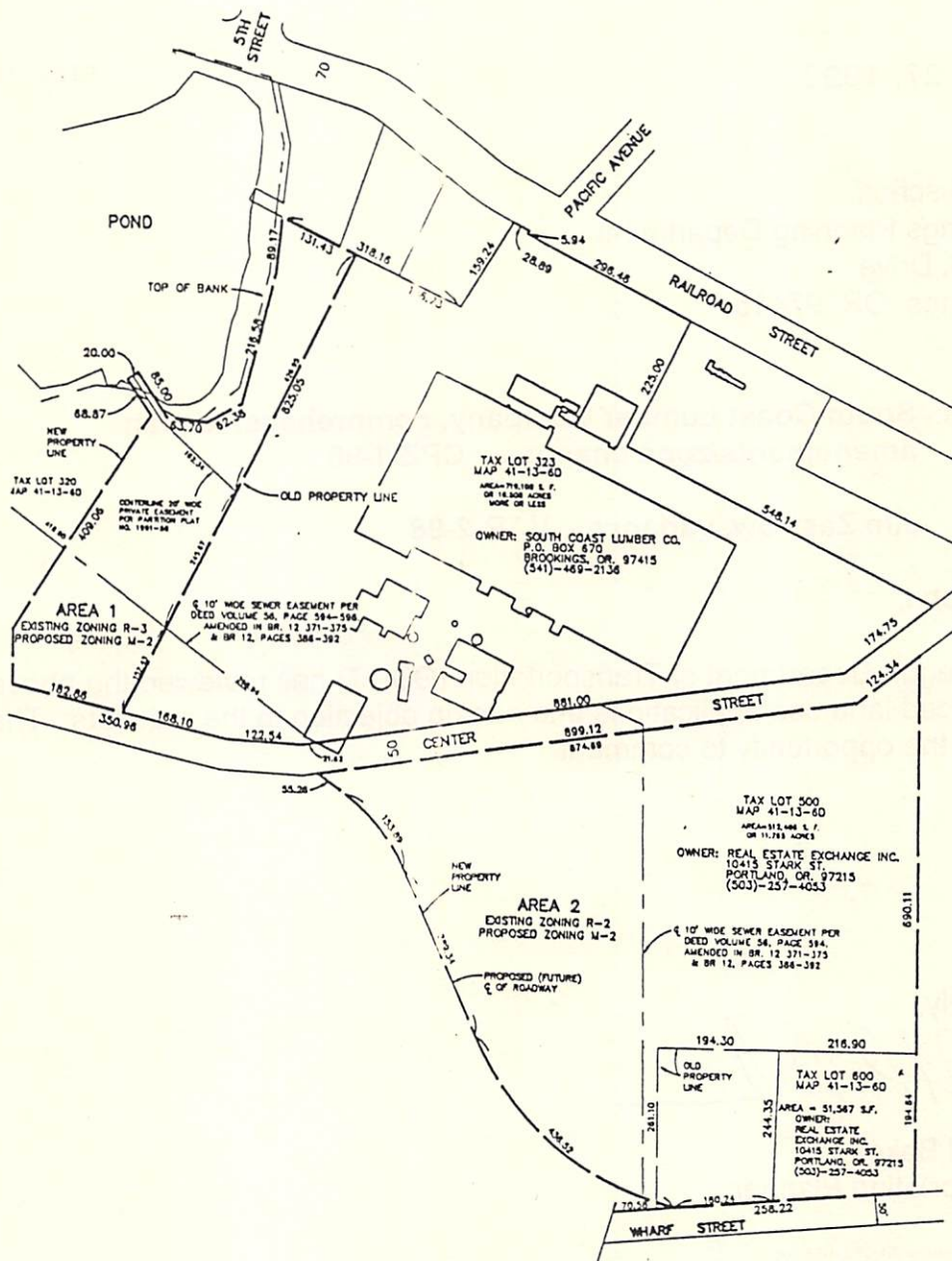
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APPLICANT: South Coast Lumber

ASSESSOR'S NO: 41-13-6D Tax Lots 323, 500 & 600

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SIZE: Parcel 1: 2.9 acres Parcel 2: 13.0 acres

ZONE: Parcel 1: R-3 (Multiple-family Residential) Parcel 2: R-2 (Two-family Residential)





Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

Region 3

3500 NW Stewart Parkway

Roseburg, OR 97470

(541) 957-3500

FAX (541) 957-3547

March 27, 1998

FILE CODE:

John Bischoff
Brookings Planning Department
898 Elk Drive
Brookings, OR 97415

Subject: **South Coast Lumber Company, comprehensive plan
amendments/zone changes – CPZ-1-98**

Jim Zastrow, variance – VAR-2-98

Dear John,

The Oregon Department of Transportation (ODOT) has reviewed the above referenced land use applications and has no objection to the requests. Thank you for the opportunity to comment.

Sincerely,

Michael Baker
Transportation Planner

Mjb:c:\usr\word\curry\101\CPZ-1-98.doc

RECEIVED

MAR 31 1998

CITY OF BROOKINGS
COMMUNITY DEVELOPMENT



SOUTH COAST LUMBER CO.

Home of SOCOMI Brand Products

P.O. BOX 670 • BROOKINGS, OREGON 97415 • PHONE (541) 469-2136 • FAX (541) 469-9105

March 30, 1998

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

**REFERENCE: "LANDSCAPE BUFFER"
LAND USE APPLICATION
PROPOSED PLAN AMENDMENT
and ZONE CHANGE**

Dear Mr. Bischoff:

This letter is written to provide the City of Brookings with assurance that South Coast Lumber Co. will provide a "Landscape Buffer" (10' +/- wide) along the North Right of Way of Wharf Street for approximately 500 feet. The "Landscape Buffer" will be designed and constructed at the time that Tax Lot 500 (proposed M-2 lot) is developed.

The intent of the "Landscape Buffer" is to provide a sight and sound barrier between the proposed "M-2" district and the existing "R" district along Wharf Street as shown in the Land Use Application (Proposed Plan Amendment and Zone Change) submitted to the City of Brookings on March 2, 1998.

Please contact Woodi Davis at David Evans and Associates, Inc (503-499-0278) if you have any questions concerning this correspondence.

Respectfully,

Gordon M. Ball
Chief Financial Officer

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MAR 30 1998

CITY OF BROOKINGS
COMMUNITY DEVELOPMENT

Warren B. Sturtevant
223 Schooner Bay Drive
Brookings, Or. 97415
Phone 541-412-0535/Fax 541-412-0554

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MAY 1 1998

CITY OF BROOKINGS
COMMUNITY DEVELOPMENT

City of Brookings
Mayor and City Council Members
898 Elk Drive
Brookings, OR 97415

Re: Comprehensive Plan/Zone Change
File No: CPZ0-1-98

April 30, 1998

Madam Mayor and Council Members,

I would like to correct any misconceptions that may have arisen at the Planning Commission meeting held April 7th, 1998. At no time did anyone from The Cove state that the plant should be shut down. Mr. Miller in his letter suggested that "the Planning Commission and Brookings City Council should seriously require the mill to move". This by no means refers to the shutting down of the mill.

Mrs. Krebs stated that the residents of the cove were precluded from suing the city over the waste water treatment plant. This is not true. What the Conditions of Approval states on page 7 of 8 paragraph 53 is:

"The applicant shall submit a disclosure statement, signed by each buyer, indicating that the buyer is aware of the proximity of the waste water treatment plant".

"The developer shall further enter into a separate agreement with the City of Brookings to indemnify and hold the City harmless from the claims of residents of the development against the City due to normal activity of the Waste Water Treatment Plant, not including accidents, negligence or failure to operate the Waste Water Treatment Plant in accordance with state and/or federal laws and regulations".

This is a far cry from being precluded from suing.

The most unbelievable statements made by the applicant are:

1. No additional uses are proposed at this time, although the proposed Plan Amendment and Zone Change would allow for anticipated expansion of the existing plywood mill. Page 2

application Narrative "Proposed".

2. The applicant does not propose any development or improvements at this time. Page 4 paragraph 3.

3. The proposed Plan Amendment and Zone Change would allow for expansion of the existing mill. Page 5 paragraph 5.

4. The applicant's proposal would also allow for future expansion of the South Coast Lumber Plywood mill, should South Coast decide to do so. Page 6 paragraph 2.

5. Currently, the applicant anticipates a potential need to expand its existing facility on tax lot 323; the economic conditions have changed. Page 6 paragraph 3.

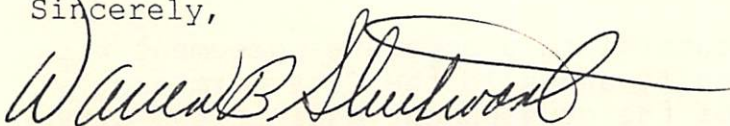
6. The applicants proposal addresses these policies by allowing for expansion of an existing use on adjacent vacant areas. Page 7 paragraph 4.

7. The proposal would allow for future industrial development and/or expansion of an existing industrial use. Page 7 paragraph 6.

Seven times the applicant STATES that they may want to expand in the near future, but **THEY WERE UNDER CONSTRUCTION OF AN EXPANSION BEFORE THE PLANNING COMMISSION MET, LET ALONE THE CITY COUNCIL.**

True the expansion is not on property involved in this matter. But where is the fairness to any opponent? Where is the justice to any opponent? Where is the due process? Where is the truthfulness of the applicant?

Sincerely,

A handwritten signature in cursive script, appearing to read "Warren B. Sturtevant".

Warren B. Sturtevant

The Cove at Brookings Homeowners Association, Inc.

209 Schooner Bay Drive
Brookings, OR 97415

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MAY 1 1998

CITY OF BROOKINGS
COMMUNITY DEVELOPMENT

City of Brookings
Mayor and City Council Members
898 Elk Drive
Brookings, OR 97415

Re: Comprehensive Plan/Zone Change
File No: CPZO-1-98

April 30, 1998

Madam Mayor and Council Members,

Two of the major concerns of The Board of Directors of The Cove HOA is that in the remote possibility that you approve this change, is the added traffic on Wharf St. and the barrier at the south end of Parcel 2.

The solution to the two problems is something that we must insist on. No vehicular access to Parcel 2 off of Wharf St. Eighteen wheelers going up and down Wharf would be a major health hazard to the residents of The Cove in that most recently a study has shown that exposure to diesel fumes is a cause of cancer.

The "Landscape Buffer" described in South Coast Lumber's letter of March 30, 1998 is wholly inadequate. What is needed is the same type of berm required by the City of The Cove at the waste water treatment plant. The berm should be at least 40' high with planting designed by a Landscape Architect licensed in Oregon with particular knowledge of plants that survive the coastal environment of Brookings. Constructed and irrigated by Oregon licensed contractors, maintained by the mill.

If this solution is not required then The Cove will require that the applicant relocate the entrance to The Cove from Wharf St. to Cove St. at the sole expense of the applicant. This will include the closing up of the existing entrance, with a masonry wall to match the entry feature and planting's in the closed area.

The new area shall be of similar design as exists at the present entrance, and shall be approved by The Cove before being constructed.

The alternative to this proposal is for the City to deny the application as to parcel 2.

The existing health hazards from the mill along with the unsightliness of the structures is not good planning or zoning in this very desirable residential area.

The City has a choice. What is right for the city now and in the future or to expand the industrial blight of downtown Brookings.

Ask yourselves which environ would you like to live in and raise your family? A nice city or an industrial dump. If you don't think this is a dump area drive down King street from Wharf to Center. Don't hurt your car!

The Board wants to thank you for your consideration in this major precedent setting decision that will affect Brookings for years to come. A first stop tourist attraction from the south or a dump caused by one persons desires, against the health and welfare of the community

Sincerely,

The Cove at Brookings Homeowners Association, Inc., Board of Directors.



By, Warren B. Sturtevant, Director

Warren B. Sturtevant
223 Schooner Bay Drive
Brookings, Or. 97415

Phone 541-412-0535/Fax 541-412-0554

RECEIVED

MAY 1 1998

CITY OF BROOKINGS
COMMUNITY DEVELOPMENT

City of Brookings
Mayor and City Council Members
898 Elk Drive
Brookings OR 97415

RE: Comprehensive Plan/Zone Change
CPZ-1-98

April 30, 1998

Madam Mayor and Council Members,

The Brookings Development Code, Section 144, Amendments States
under Section 144.010 Procedure.

"This code or the comprehensive plan map or text may be amended by changing boundaries of districts or designations or by changing any other provisions thereof, whenever the public necessity and convenience and the general welfare requires such amendment, by following the procedure of this code".

This application does not fit any of the above, "public necessity and convenience and the general welfare". Therefore, it would be illegal for the council to grant the request of the applicant, under this ordinance.

It makes no difference that there is not a correct ordinance with which to do this change. The point is that there is not, so the applicant and the city must wait until a different means can be found or a new ordinance can be written. Then the applicant may start all over again.

Sincerely,


Warren B. Sturtevant

Warren B. Sturtevant
223 Schooner Bay Drive
Brookings, Or. 97415
Phone 541-412-0535/Fax 541-412-0554

RECEIVED

MAY 1 1998

CITY OF BROOKINGS
COMMUNITY DEVELOPMENT

City of Brookings
Mayor and City Council members
898
Elk Drive
Brookings, OR 97415

RE: Comprehensive Plan/Zone Change
CPZ-1-1998

April 30, 1998

Madam Mayor and Council Members,

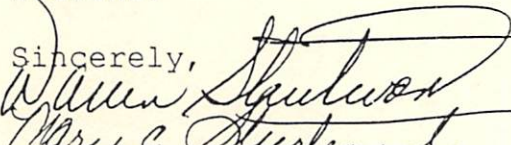
The health and welfare of the citizens of brooking far outweigh any benefits that may arise out of the mill expansion. Under the current conditions the emissions of the plant are a health hazard to some residents.

I am one of those residents. I am a life long asthmatic and have always lived by the water to control my condition. Moving from Newport Beach, Ca. to Brookings should have had no effect on my condition, but it has. After being here about 4 months I began to feel a tightening in my throat and a difficulty breathing, with a shortness of breath. The doctor has had to put me on inhalants to help control the situation. I know I am not the only person with this condition in Brookings.

The particles that are emitted from the plant are very fine and cause dust which can be seen in the houses and on the cars. In fact my wife and I both feel that this is the dirtiest house either one of us has lived in, including farms and the Santa Ana winds of Southern California.

We both urge that the plant expansion be turned down for health reasons.

Sincerely,


Warren and Mary Sturtevant

cc: Dept of Environmental Quality

April 30, 1998

RECEIVED

MAY 1 1998

CITY OF BROOKINGS
COMMUNITY DEVELOPMENT

Brookings City Council
898 Elk Drive
Brookings, OR 97415

Re: Re-Zoning of Area 2, File No: 1-98, Comprehensive Plan/Zone Change.

Dear Mayor and City Council Members,

Without knowing the specific use of the property to be rezoned, the assumption has to be made that the applicant is planning on expanding to allow for additional output of a product; additional output means additional emissions. Current emissions are tolerated but unhealthy; additional emissions will be unhealthy and intolerable.

My husband and I moved to Brookings six months ago. We knew the mill spewed smoke and particulate matter and felt it would be a bearable nuisance as we had never had upper respiratory problems in our lives. Now we do. I have had a continuously dry cough for 4 months; my husband started with his dry cough about 2 months ago. We have ruled out airborne allergies because the gardening we do does not affect us and we do not have colds, sinusitis or any viral infection. According to The American Medical Association's *Encyclopedia of Medicine*, "Among the more common causes of a cough are irritation of the upper respiratory tract by inhaled particles, smoke, dust or gases" or a viral infection. **Sounds like our culprit is the mill.**

How many other people in the Brookings area have the same problem? Have you ever conducted a survey? How many have moved away from Brookings because of mill-induced health problems? Have you ever conducted an exit survey? You can for sure start your exit count with the two of us if the plant emissions increase in volume as a result of the expansionist zoning change. We can hopefully take care of our existing problem through other means.

Please consider the community as a whole and the direction we all want to see Brookings take - vote against this rezoning until we fully and specifically know how South Coast Lumber intends to use the land. Don't give them carte blanche. Let the city planners and the City Council control the use of this land by keeping the residential zoning it already has. Change the zoning only when needed to fulfill a specific purpose.

Respectfully,

A handwritten signature in cursive script, reading "Sherri L. Scott".

Sherri L. Scott
208 Schooner Bay Drive
Brookings, CA 97415
541 412-1507

April 24, 1998

208 Schooner Bay Drive
Brookings, OR 97415-9073
(541) 412-1507

RECEIVED

APR 23 1998

CITY OF BROOKINGS
COMMUNITY DEVELOPMENT

Brookings City Council
898 Elk Drive
Brookings, OR 97415

Re: Re-Zoning of Area 2, File No: 1-98, Comprehensive Plan/Zone Change.

Dear Mayor and City Council Members,

As full-time retired residents of Brookings, we believe the remaining beautiful coastal lands of Brookings should remain zoned as residential and should not be used for further industrial expansion.

The present emissions generated by South Coast are already intolerable most of the time, not only to nearby residents but to the general population of Brookings. Our personal visitors from out-of-town have also expressed their disbelief that such an enterprise, spewing these emissions, would be tolerated in Brookings especially in light of this area's PR/visitor literature. Now we are being asked to expand the plant (and into RESIDENTIAL property no less) so we can put up with additional pollutants.

South Coast Lumber is already using, for some weeks now (at least), Wharf Street as a thoroughfare for 18 wheel trucks delivering plywood material. This street has homes where children and their dogs play. The mixing of large trucks and children on the same street is just asking for a tragedy.

It remains very difficult for us to understand how a zoning change could be remotely considered by any public body without first knowing of the intended use. Carpenterville Road would be better suited to any South Coast expansion for our general population and would turn South Coast into a good neighbor, especially if they moved the entire mill there and thus, leaving the coastal land zoned as residential.

Development of Chetco Point into a public park seems to be a good idea. The present emissions notwithstanding, expansion of emissions could render the park an unused facility - again, the loss of coastal property for residential and/or public use.

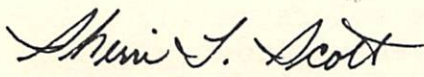
We understand South Coast is a major employer in our area. So is Fred Meyer. And so are the retired spenders who act as a major employer in the Brookings area since we retirees' make-up more than 50% of the population than does the South Coast employee roster. If business declines for South Coast, we are sure they will close or relocate from Brookings. We retired folks are here and will remain here regardless of any business change to the lumber company. Remember, we contribute far more financially and in infrastructure support via volunteer hours to our community than does any single business.

We believe allowing subject zoning change would be detrimental and would provide no benefit whatever to the local and general population of Brookings, Oregon and encourage your NO vote regarding this proposed change.

Thank you very much for your time and consideration in this matter.

Sincerely,


Jack W. Scott


Sherri L. Scott

Gordon F. Wagner

226 SCHOONER BAY DRIVE
BROOKINGS, OR 97415
(541) 469-2929

RECEIVED

APR 23 1998

CITY OF BROOKINGS
COMMUNITY DEVELOPMENT

April 18, 1998

Brookings City Council
898 Elk Drive
Brookings, Oregon 97415

Re: Re-Zoning of Area 2 File No: 1-98, Comprehensive Plan
/ Zone Change.

Dear Mayor and Council Members;

Rezoning of the referenced land from residential to industrial will be a step back in time. If we intend to beautify our city it doesn't make a lot of sense to intensify industry in an area which could be a centerpiece attracting new residents and tourists to Brookings. The Chetco Point development will certainly be minimized if you allow the mill to expand.

Also, further industrialization of this area will surely downgrade the value of my property in the Cove which I purchased based upon the promise the City Council made when it in 1984, 1987, and 1988 insisted the land in question be zoned residential. It behooves you to stand by your former promises and protect the citizens who believed in those commitments.

Sincerely,



April 20, 1998

Brookings City Council
898 Elk Drive
Brookings, OR 97415

Re: Re-Zoning of area 2, File No. 1-98, Comprehensive Plan/Zone Change

Dear Mayor and Council Members:

In regard to the zoning change referenced above, I am the owner of a home at 204 Schooner Bay Drive, Brookings, and respectfully would like to convey my strenuous objection to the re-zoning of the above parcel.

The named applicant has failed to identify any projected use for the above property, therefore, we feel that the City Council would be remiss in approving such re-zoning as it would be tantamount to a "blank check" as far as usage is concerned.

In addition, if you were to grant this unidentified and likely deleterious re-zoning you would be initiating the downgrade of property values across Wharf Street and to the South. As each of you know, responsible planning requires buffer zones between industrial and residential areas.

We as homeowners and fulltime residents consider this matter as crucial, therefore, we plead for your denial of the requested zoning change.

Yours truly,

Hartley B. Badger
Hartley B. Badger

Marilyn Badger
Marilyn Badger

RECEIVED

APR 23 1998

CITY OF BROOKINGS
COMMUNITY DEVELOPMENT

PHONE: 541 469-9122

FAX: 541 469-7079

MBADGE@HARBORSIDE.COM

GORDON H. WAGNER
226 Schooner Bay Dr.
Brookings, Or. 97415

(415) 469-2424

RECEIVED
JAN 17 1998

In 1993, one of my major deterrents prior to purchasing property at the Cove development in Brookings was the proximity to the plywood mill. I was told, and convinced, by Chetco Corporation's real estate broker, Yvonne Dunne, that the mill would be gone in three years. She also informed one other potential property owner, that I am aware of, that the mill would exit this area in four years. That was one of her promises which persuaded me to purchase in Brookings, at the Cove, and spend more than \$425,000.00 on my Town House. In 1997, I was initially pleased to learn that this same agent had sold the Agnew Field and adjoining properties to South Coast Lumber and assumed that the land would be developed in the public interest because of its zoning. I envisioned a parklike setting for homes and condos and an area similar to Harbor with restaurants, small shops and galleries. Finally, I thought, the mill owners were in a position to beautify the city and attract new residents other than only labor and service people and, at last, encourage tourism. Why shouldn't South Coast Lumber invest in the city which helped make its owners wealthy? I then questioned this reasoning when I was informed that the owners of South Coast Lumber had done little, if anything, to contribute to the maturation of Brookings as a proud city which would attract new residents and encourage tourism. Could the donation of the land for the golf course place these owners in such good stead with certain influential city voices who are willing to have Brookings regress to the last century?

Next are some responses to goals stated in the Comprehensive Plan.

GOAL 2: South Coast Lumber, with this application has in no way "PROVED THE NEED" for a zone change.

AIR POLLUTION: Vehicle movement doesn't deposit white fibrous pollution throughout the area as does the mill. Wouldn't air pollution be cut considerably if the plywood mill was moved to a new location far from the center of town? How about incorporating it with the lumber mill, north of town, to totally eliminate the transferring of product.

GOAL 8: "Would not affect any parks or other recreation facilities". Of course it would limit access to and development of that area and the development of the Chetco Point Area - a scenic beach area that the city desperately needs to nurture.

GOAL 9: We don't want to encourage future industry in an area that should definitely be residential. The mill location offers some of the finest lowland views of the ocean & environs within city limits. They should think if relocating it instead of enlarging that facility.

GOAL 10: HOUSING: Of course the land remained vacant since 1991. Possibly 'slum landlords' would consider building homes or apartments that close to the mill, but who else would? goal 10 is preposterous!

RECEIVED
JAN 17 1998
CITY OF BROOKINGS
COMMUNITY DEVELOPMENT

item 8.7
initially sent into record 4-7-98 meeting 4-8-98-submitted

GOAL 12: Refer back to Air Pollution. Placing the plywood mill in close proximity to the timber mill would eliminate mill truck traffic altogether in the propped industrial expansion area.

GOAL 14: URBANIZATION: The plywood mill is a blight on the local economy. It discourages beautification of the city in an area which should be perfect for residential and limited commercial development. How many families have chosen not to live in the area because of the everpresent smoke and soot emanating from the mill as well as the constant truck traffic? Let's face it - the mill is an eyesore within the area and from the hills overlooking the ocean.

GOAL 17: The mill certainly affects access to beach properties. Removing it, or curtailing expansion, could grant new access to Chetco Point and other beach areas.

POLITICS: Not having been subject to small town politics during my lifetime, I never thought, until it was suggested to me, that South Coast purchased the Wharf Street properties knowing they had the proper connections to have that land rezoned for their own use or for resale to other industrial users (a profit motive). Why would they spend approximately one million dollars on land zoned residential - land which would be unprofitable to their primary business. One heck of a crap shoot - I would say.

Needless to say, I think the STAFF was way off base to suggest acceptance of this proposal. I would suggest that the board take a walk along Chetco Avenue and see the run down condition of the buildings, and the continuing vacancies; explore Wharf and King streets to evaluate the "dead" cars and horrible street conditions; look at the vacant lots and those owned or rented by businesses which are filled with building materials, vehicles and just plain "junk" visible to all who pass; and, inspect other eyesore areas within the city proper. Question yourself as to why the whole town seems to be "FOR SALE". Please consider involving penalties upon those who turn neighborhoods into slums. Please don't continue to allow Brookings to be the "garbage can" of the Southern Oregon Coast where travelers stop only to gas up and continue on to more receptive areas.

Brookings is blessed with some of the most beautiful coastal scenery in the world. Why not make it a place that welcomes new residents, businesses and tourists?

If you permit this rezoning - SHAME ON YOU.

Reviewed
P.C. Meeting
4-7-98
JCB 7 Pages

REBUTTAL TO SOUTH COAST LUMBER APPLICATION FOR CHANGE OF ZONING MAP OF TWO PARCELS IN THE AREA OF RAILROAD, CENTER AND WHARF STREET.

ON PAGE 7 APPLICANT STATES THEY DO NOT PROPOSE ANY DEVELOPMENT OR IMPROVEMENT TO AREA 1 OR 2 AT THIS TIME, ALTHOUGH THE CHANGE WOULD ALLOW FOR FURTHER EXPANSION OF INDUSTRIAL USES NEAR THE PLYWOOD MILL SITE. ON PAGE 2, UNDER PROPOSED: APPLICANT STATES CHANGE WOULD ALLOW FOR ANTICIPATED EXPANSION OF THE EXISTING PLYWOOD MILL.

PAGE 5 GOAL 5 AGAIN APPLICANT STATES THAT THE CHANGE WOULD ALLOW FOR THE EXPANSION OF THE EXISTING MILL.

PAGE 5 GOAL 6 APPLICANT STATES AIR POLLUTION IS NOT RECOGNIZED AS A PROBLEM IN THE BROOKINGS AREA. THE AIR AROUND THE EXISTING PLANT IS RECOGNIZED AS A POLLUTION PROBLEM BY THE RESIDENTS OF THE COVE. IT INFILTRATES THE HOMES CAUSING DUST AND DIRT PROBLEMS. IT INCREASES ASMATIC CONDITIONS IN PEOPLE AND IT SMELLS. THE DUST BUILDS UP ON THE ROOFS AND CAUSES BACK UP OF WATER FLOW DOWN THE ROOF VALLEYS CAUSING THE WATER TO LEAK INTO THE HOMES.

APPLICANT STATES THAT THE INDUSTRIAL USES NEAR EXISTING INDUSTRIAL USES, THUS REDUCING THE NEED FOR TRAVEL OR TRANSPORTING GOODS BETWEEN THOSE USES. THIS WOULD BE TRUE IF EVERY USE WAS DIRECTLY RELATED BY ITS NEIGHBOR AND A PRODUCT WOULD GO FROM ONE USER TO ANOTHER TO BE ENHANCED. I DON'T THINK SO. MORE ON THIS LATER.

PAGE 5 GOAL 7 APPLICANT STATES THE SUBJECT

PROPERTY IS NOT IN AN AREA SUBJECT TO NATURAL HAZARDS. THE AREA HAS JUST BEEN UPGRADED TO A ZONE 4 EARTHQUAKE HAZARD AREA.

PAGE 5 GOAL 8 RECREATIONAL NEEDS. APPLICANT STATES PROPOSED PLAN WOULD NOT AFFECT ANY PARKS OR OTHER FACILITIES. NO MENTION IS MADE OF THE FACT THAT THERE ARE TWO BASEBALL FIELDS, MENS AND WOMENS RESTROOMS AND A SMALL PARK WITH TIRE PLAY EQUIPMENT. IF THE APPLICANT WANTS TO DO SOMETHING WONDERFUL FOR THE CITY, LET THE BASEBALL STAY.

PAGE 6 GOAL 9 ECONOMY OF THE STATE. POLICY 2 OF GOAL STATES THE CITY "WILL ENCOURAGE THE DIVERSIFICATION OF THE CITY AND THE REGIONAL ECONOMY". I AM SURE THE ECONOMY OF THE STATE DOES NOT ENVISION THE DESTRUCTION OF THE ECONOMY OF ADJACENT RESIDENTIAL OWNERS BY LOWERING THE PROPERTY VALUE OF CITIZENS OF THE CITY SO SOMEONE ELSE CAN GAIN. THESE CITIZENS ARE MAJOR CONTRIBUTORS TO THE ECONOMY OF THE CITY. THEY ARE ALL NEW TO THE AREA, RETIRED AND THEY BRING THEIR RETIREMENT INCOME WITH THEM AND THEY SPEND IT HERE, AND THEY CANT GET LAID OFF AND LOSE THAT INCOME. IT IS REPORTED THAT 55% OF THE POPULATION OF THIS CITY IS RETIRED AND A MAJOR ECONOMIC FORCE. DON'T ZONE THEM OUT OF THOSE VALUES.

YOU CAN NOT MITIGATE THE AIR POLLUTION OR THE EYE SIGHT POLLUTION BY USING BERM'S. THE POTENTIAL IMPACTS ON THE RESIDENTIAL ZONED AND DEVELOPED LAND CAN NOT BE MITIGATED AND OFFSET BY THE NEED FOR INDUSTRIAL LAND AND A BROADER ECONOMIC BASE AT THE EXPENSE OF EXISTING CITIZENS AS CITY STAFF SUGGESTS.

THE EYE SIGHT POLLUTION OF THE FORTY FOOT HIGH GREEN MONSTER CAN BE SEEN FROM MOST OF THE CITY IT DOES NOT NEED TO DOUBLED OR TRIPLED IN SIZE IN THE PRISTINE VIEW OF THE OCEAN. IT CAN ALSO BE SEEN FROM THE DESIGNATED SCENIC ROUTE OF THE STATE HIGHWAY.

PAGE 6 GOAL 10 HOUSING. TAX LOT 500 & 600 ARE PERFECT AS ZONED R-2 AND COULD BE CHANGED TO R-3 ON THE NORTH HALF FOR APARTMENTS. THE CITY NEEDS GOOD NEW LOWER COST HOUSING. IF THE APPLICANT INSISTS ON EXPANSION OF THE PLANT WHY NOT THE NORTH HALF OF 500 AND 600 LEAVING, THE SOUTH HALF FOR THE EMPLOYEES NEEDED. NOW YOU ARE TALKING ABOUT POLLUTION SAVING, THEY CAN WALK TO WORK. LEAVING THE SOUTH HALF IN HOUSING WOULD HAVE LESS NEW IMPACT ON THE EXISTING RESIDENCES AND THAT PROPERTY DIRECTLY ACROSS WHARF STREET. THIS COULD BE A WIN-WIN SITUATION EXCEPT FOR THE EXISTING AIR POLLUTION AND THE FACT THE PLANT IS IN THE WRONG PLACE.

PAGE 7 GOAL 12 TRANSPORTATION. APPLICANT STATES THE CHANGE WOULD NOT IN ITSELF CONTRIBUTE ADDITIONAL TRAFFIC TO THE AREA. TRUE IF ALL THEY DO IS CHANGE AND NOT BUILD. BUT WHEN THEY BUILD THE FIRST BUILDING OR EXPAND THE PLANT IN COMES NEW EMPLOYEES DRIVING TO WORK, NEW TRUCKS BRINGING RAW MATERIAL, NEW TRUCKS TAKING OUT FINISHED PRODUCTS, NEW SALES PEOPLE SELLING RAW PRODUCTS, NEW BUYERS FOR THE FINISHED PRODUCT AND ON AND ON. IT IS LUDICROUS TO STATE NO INCREASE IN TRAFFIC.

AREA 2 CONSISTS OF 13 ACRES OR 566,280 SQ. FT. IF $\frac{1}{2}$ OR 283,140 SQ. FT WERE BUILT ON AND YOU HAD ONE EMPLOYEE PER 500 SQ. FT. YOU WOULD HAVE 566 PEOPLE

DRIVING TO WORK EVERY DAY. IF YOU HAD ONE EMPLOYEE PER 100 SQ. FT YOU WOULD HAVE 2,831 DRIVING EACH DAY. IF YOU SPLIT THE DIFFERENCE AT ONE PER 250 YOU WOULD GET 1,132 DRIVERS.

PAGE 7 GOAL 13 ENERGY CONSERVATION. APPLICANT STATES ALLOWING FOR EXPANSION OF EXISTING USES AND REDUCING DISTANCE BETWEEN RELATED INDUSTRIAL USES. THE ONLY THING THAT COULD REDUCE DISTANCE BETWEEN RELATED USES WOULD BE TO INSTALL A LOG CHIPPER AND A LOG PEELER, HOW THIS WOULD REDUCE TRAFFIC IS BEYOND COMPREHENSION. IT WOULD REQUIRE LOG HAULERS TO BRING LOGS AND WOULD INCREASE AIR AND NOISE POLLUTION.

HOW DOES THE ELIMINATION OF SPLIT ZONING CAUSE ENERGY CONSERVATION?

PAGE 7 GOAL 14 URBANIZATION. DEVELOPMENT OF INDUSTRIAL IN THE WRONG PLACE DOES NOT INSURE PROPER DIVERSIFICATION.

CONCLUSIONS

IT IS BAD PLANNING TO PROPOSE INDUSTRIAL EXPANSION IN THE WRONG AREA OF A CITY, SUCH AS THIS PROPOSAL DOES. INDUSTRIAL USE SHOULD NOT DEGRADE SURROUNDING PROPERTIES AS THIS DOES. IT SHOULD NOT BE VISIBLE FROM MOST OF THE RESIDENCES OF THE CITY AS THIS PLANT IS.

THE EXISTING ZONING PROVIDES FOR PROPER LAND PLANNING IN THAT THERE ARE EXISTING RESIDENTIAL BUFFERS FROM THE HIGHEST OCEAN FRONT DOWN TO THE EXISTING M-2. THE APPLICANT KNEW IT WAS RESIDENTIAL WHEN HE BOUGHT THE PROPERTY.

THE APPLICANT HAS NO INTEREST IN ENSURING THAT THE LAND IS BUFFERED FROM INDUSTRIAL WHEN HE TAKES ALL THE RESIDENTIAL AND CHANGES IT TO INDUSTRIAL UP AGAINST RESIDENTIAL HE DOES NOT OWN.

THERE IS NO NEED TO RUSH TO JUDGEMENT ON THIS ZONE CHANGE BECAUSE THE OWNER DOESN'T KNOW WHAT HE WANTS TO DO WITH IT. IT SAT EMPTY AS INDUSTRIAL THEN THIS APPLICANT CHANGED IT TO R-3 FOR PARCEL 1 AND PARCEL 2 WAS ZONED R-2 WHEN HE PURCHASED IT.

THE APPLICANT STATES HE DOES NOT PROPOSE ANY DEVELOPMENT AT THIS TIME. IT SHOULD NOT BE CHANGED UNTIL THE APPLICANT CAN COME FORWARD WITH A PRECISE PLAN FOR THE PARCELS. EVEN THOUGH THE EXISTING USE IS NON-CONFORMING TO THE EXISTING ZONE LAWS.

ON THE OVERALL SCHEME OF THINGS INDUSTRIAL USE IS WRONG IN THE CENTER OF A TOURIST AND RETIREMENT ORIENTED CITY. 40 FT. HIGH GREEN WALLS ARE NOT GOOD PLANNING WHEN THEY INTERFERE WITH OCEAN VIEWS FROM MANY HILL SIDE RESIDENTS. HIGH WAY 101 HAS BEEN DESIGNATED AS A SCENIC ROUTE, NOT AN EYE SORE ROUTE.

IF ANYTHING THE CITY SHOULD BE LOOKING TO THE DAY THE MILL IS GONE, THE GREEN WALL IS GONE AND THE POLLUTING SMOKE STACK IS GONE. THEN THE PROPERTY COULD BE RETURNED TO ITS HIGHEST AND BEST USE, RESIDENTIAL.

EXISTING ORDINANCES DO NOT ALLOW FOR EXPANSION OF THE SAW MILL EVEN IF IT WERE REZONED. SECTION 68 GENERAL INDUSTRIAL (M-2) DISTRICT. SECTION 68.020 PERMITTED USES PARAGRAPH A. STATES ANY USE

PERMITTED IN THE I-P DISTRICT. SECTION 64
INDUSTRIAL PARK (I-P) DISTRICT. SECTION 64.020
PERMITTED USES, PARAGRAPH O. STATES. LIGHT
MANUFACTURING, ASSEMBLY, FABRICATING OR PACKAGING
OF PRODUCTS FROM PREVIOUSLY PREPARED MATERIALS
SUCH AS CLOTH, PLASTIC, WOOD (NOT INCLUDING SAW,
PLANING OR LUMBER MILLS OR MOLDING PLANTS) PAPER,
COTTON, PRECIOUS OR SEMI-PRECIOUS METALS OR STONE.

THIS STATEMENT OF PERMITTED AND NON PERMITTED USES
IS QUITE CLEAR. IT IS NOT OPEN FOR INTERPRETATION
TO FIT A NON-CONFORMING USE FOR EXPANSION ON TO
ADJACENT PROPERTY, NOT A PART OF OR ZONED FOR THE
PROJECTED APPLICANTS NON-CONFORMING USES.

THERE IS NO DOUBT IN MY MIND THAT THE EXISTING
MILL IS A NON-CONFORMING USE OF THE PRESENT
ORDINANCES AND THEREFORE, AS NON-CONFORMING CAN
NOT BE EXPANDED.

PROBABLY THE MOST REPREHENSIBLE PART OF THE
APPLICANTS PROPOSAL IS THE COMPLETE IGNORING OF
THE EXISTING COVE RESIDENTS, WHO HAVE INVESTED
BETWEEN 8 AND 8-1/2 MILLION DOLLARS IN THE
PURCHASE OF THERE UNITS. NOT ONE WORD IS
MENTIONED ABOUT ANY CONCERNS FOR THESE RESIDENTS,
MORE LIKE TREATING THEM LIKE CHOPPED LIVER.

WRAP UP. BAD PLANNING
 NON-CONFORMING
 NO BUFFER
 NO HURRY NOT READY
 WRONG LOCATION
 AGAINST EXISTING LAW
 LACK OF CARE FOR EXISTING CITIZENS
 POLLUTION

TRAFFIC
EARTH-QUAKE
WRONG ECONOMIC GOALS
WHERE IS THE ENVIRONMENTAL IMPACT
REPORT

I HAVE JUST ONE REQUEST OF THE COMMISSION. BEFORE YOU VOTE CLOSE YOUR EYES AND IMAGINE A FORTY FOOT HIGH WALL OUTSIDE OF YOUR FAVORITE WINDOW WITH POLLUTING SMOKE COMING OUT OF A STACK. THEN TELL ME THAT'S OK.

THANK YOU.

WARREN B. STURTEVANT, RESIDENT 223 SCHOONER BAY DRIVE, MEMBER OF THE BOARD OF DIRECTORS THE COVE HOA.

4/7/98

Received at
P.C. meeting
4-7-98
JOB
1 page

April 7, 1998

Brookings Planning Commission
898 Elk Drive
Brookings, Oregon 97415

Dear Commisioners,

Good evening. My name is Richard O. Miller and I live at 222 Schooner Bay Drive at The Cove. Phone number is 469-5117, my mailing address is P. O. Box 846 in Brookings.

I oppose the proposed changes--Reasons:

1) Current South Coast Mill plant emissions are a hazard to health of people living and working downwind from the plant. If Discharge Permit conditions are currently being met, they are not sufficiently stringent. The zone changes being considered and the resulting development which could occur with approval will only worsen the situation. The particulates and odor of the present discharge are offensive and are making living at the The Cove in the summer months almost unbearable when the wind is predominantly from the West and Northwest. It is almost like a fog which restricts visibility and is irritating to breathe. I moved to The Cove expecting to live a trouble-free existence but mill emissions will not permit it.

2) Noise pollution, dust, traffic will all increase if the proposed changes are granted. The present situation with the Treatment Plant and Plywood Mill placed between the high-value development on Tanbark, The Cove, Macklyn Cove, and the hill above Macklyn should not be allowed to worsen. Point of fact, I would suggest that the Planning Commission and Brookings City Council should seriously consider requiring the mill to move, relocate the Treatment Plant with the partnership of the Harbor Sanitary District to the Winchuck Outfall area and rezone the entire area under discussion to residential uses. This would, over time, clean out the slum area which exists in the Wharf Street, Center Street area and then promote the use of the area to its highest and best use, i. e., residential uses on the ocean view, beautiful area which it can become. Lacking the possibility of making these changes, the next best move is not to allow the present situation to worsen and continue to shield present residential development with the buffering which now exists. I very sincerely request that you leave the existing zoning in place. Thank you.

Yours very truly,

Richard O. Miller

The Cove at Brookings Homeowners Association, Inc.

*209 Schooner Bay Drive
Brookings, OR 97415*

*Received at
P.C. Meeting
4-7-98
for 2 pages*

March 26, 1998

Brookings Planning Commission
898 Elk Drive
Brookings, Oregon 97415

Dear Commissioners,

Re: Proposed Zone and Comprehensive Plan Changes in File No. CPZ-1-98.

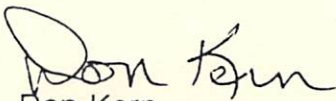
The proposed changes were discussed at the Regular Meeting of the Board of Directors of The Cove at Brookings Homeowners Association held on the 25th of March, 1998. It was the decision of the Board that we would oppose the proposed changes. The reasons for the opposition follow:

1. The emissions from the presently existing South Coast Lumber Mill are causing a hazard to the health of the residents of The Cove. The particulates being emitted are of such quantities that a car left outside a garage is covered with white particles in a very short time. The particulates are being ingested into the lungs of residents and the vapors are causing sore throats and coughing caused by allergic reactions. It would appear that the filtering mechanism at the mill is not adequate or is not being maintained properly. If the emissions cannot be filtered properly, we can see no other alternative but to file complaints with the State and Federal Agencies involved in the issuance of Discharge Permits. We are concerned that the currently existing problems will be compounded if the subject Zone and Comprehensive Plan Changes are approved and further industrial development occurs.

2. The South Coast Lumber Mill causing the problems is located farther away from The Cove than the parcels being considered for zone and plan changes. Having industrial uses adjacent to the high value residential development at The Cove does not make good sense. There should be a buffer between industrial uses and single-family residential uses consisting of multi-family, commercial, and then the industrial uses. The development along Wharf and Center Streets that currently exists is an eyesore. We do not need further development that is not compatible with the multi-million dollar development of The Cove. Ocean properties and adjacent properties should be in residential uses and industrial uses should be confined to areas that are not of high value and away from living areas.

We request that the Commission give serious consideration to our opposition and make a decision not to allow the rezoning. Putting industrial development adjacent to a high -value residential development is not good planning. Thank you for the opportunity to comment.

For the Board of Directors,



Don Kern
President of the Board

21st April 1998
106 Schooner Bay Drive,
BROOKINGS OR. 97415

To Brookings City Council
898 Elk Drive,
Brookings.

Dear Mayor and Council members,

I am a home owner at the above address, and we both are very concerned to learn that a "responsible" council would entertain the idea of changing the Zoning laws of Area 2, File No. 1-98, without any regard to the many owners in this pristine complex at the "Cove."

To change the laws without disclosing the intended use of the applicant would seem very incorrect in my opinion - it seems that your members were elected by the people "for the people" and any one person with an ounce of planning in the "future" would be intent in preserving this lovely unique coastline (now becoming quite famous) for the future development of first class residential areas such as "The Cove" and private homes.

Only recently we spoke to people at our golfing complex while on holidays and they expressed a genuine interest in retiring to some unfettered area with their money and possessions, to what they were led to believe to be a first class residential area. I certainly hope that some of your council members have enough foresight to envisage this as an area to be proud of without being cluttered by factories, and especially a paint or lumber manufacturing plant- the worst toxic smells to contend with are emitted from these factories- that would be very unfair - Industrial chemists agree on that mute point-- With so much land available I trust your responsible fellow council members will look to the future and direct any industrial developments away from this special coastline and preserve this area and and be proud of the fact that they withstood pressure from outside developers and respected the wishes of the many residents who put their trust in your Council.

Looking forward to the courtesy of your reply,

Yours sincerely

Sandra M. Pulliam

C.C. E.Z.

April 20, 1998

Brookings City Council
898 Elk Drive
Brookings, OR 97415

Re: Re-Zoning of area 2, File No. 1-98, Comprehensive Plan/Zone Change

Dear Mayor and Council Members:

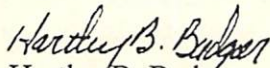
In regard to the zoning change referenced above, I am the owner of a home at 204 Schooner Bay Drive, Brookings, and respectfully would like to convey my strenuous objection to the re-zoning of the above parcel.

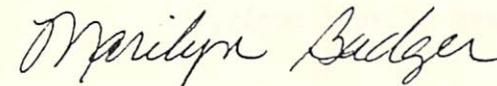
The named applicant has failed to identify any projected use for the above property, therefore, we feel that the City Council would be remiss in approving such re-zoning as it would be tantamount to a "blank check" as far as usage is concerned.

In addition, if you were to grant this unidentified and likely deleterious re-zoning you would be initiating the downgrade of property values across Wharf Street and to the South. As each of you know, responsible planning requires buffer zones between industrial and residential areas.

We as homeowners and fulltime residents consider this matter as crucial, therefore, we plead for your denial of the requested zoning change.

Yours truly,


Hartley B. Badger



Marilyn Badger

PHONE: 541 469-9122

FAX: 541 469-7079

MBADGE@HARBORSIDE.COM

April 23, 1998

Brookings City Council
898 Elk Drive
Brookings, OR 97415

Re: Re-Zoning of Area 2, File No: 1-98, Comprehensive
Plan/Zone Change.

Dear Mr. Mayor and Council Members,

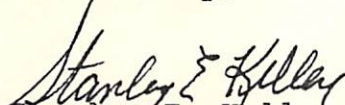
In regard to the above referenced file, I as a home
owner at 112 Schooner Bay Drive, Brookings, Oregon,
97415, would like to express my objection to the
Re-zoning of the above referenced parcel.

Since the named applicant has failed to identify any
projected use for the above property, I feel that the
City Council of Brookings, Oregon would be remiss in
approving such Re-zoning in as much as it would be
like giving the applicant a "blank check" so far as
usage is concerned.

In addition, by granting this re-zoning you would be
further downgrading the value of the properties
across Wharf Street and to the South. As you know,
good planning requires buffers between industrial and
residential.

I will appreciate your denial of the requested Re-zoning.

Yours truly,


Stanley E. Kelley

MR. & MRS. JAMES S. HEATON

2408 ROGUE VALLEY MANOR DRIVE
MEDFORD, OR 97504-4512

April 28, 1998

The Mayor & the City Council Members
City of Brookings
Brookings, OR 97415

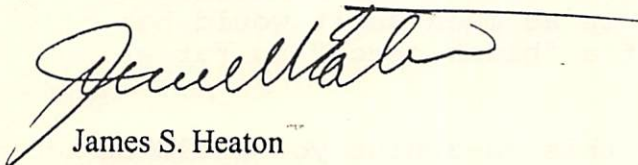
Re: Rezoning of Area 2, file # 1-98, Comprehensive Plan & Zone Change

Dear Mayor & Council Members,

I live at 228 Schooner Bay Drive, Brookings Oregon. I am plagued by emissions from the South Coast Lumber Company's present facility, as are most of the residents and businesses of the Brookings-Harbor area.

I object strenuously to any possible expansion or Re-zoning of the area that would possibly allow any increase of the pollutants already coming from the South Coast Lumber Company.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'James S. Heaton', with a long horizontal line extending to the right.

James S. Heaton

Thomas Smith
P. O. Box 8027
Brookings, OR 97415

May 1, 1998

Brookings City Council
898 Elk Drive
Brookings, Or 97415

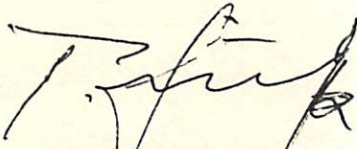
Re: Re-Zoning of Area 2, File NO.: 1-98, Comprehensive
Plan/Zone Change.

Dear Mayor and Council Members,

In regard to the above referenced file, I am a resident
of the Cove, Brookings, Oregon; And I object to the re-
zoning of this parcel without specific use.

I believe the best interests of the city would be served
if this parcel would be promoted with residential use that
would insure occupants in residence at night which would
promote security of existing commercial and residential
property. The street then would be lighted and this com-
bination would promote a safe entry day or night by pedes-
trians and vehicles to the Chetco Park that the City is
developing.

Sincerely,



Thomas Smith

April 27, 1998

Brookings City Council
898 Elk Drive
Brookings, Or. 97415

Re: Re-Zoning of Area 2, File #: 1-98, Comprehensive
Plan/Zone Change

Dear Mayor and Council Members:

As a homeowner: 206 Schooner Bay Dr. in
Brookings, I urge you to deny the change
in our zoning ordinance concerning the above
rezoning of Area 2.

The South Coast Lumber Company is providing
plenty of pollution as it is now. We don't need
any additional industries that will add to the
pollution.

Sincerely,

Lloyd & Lillian Anderson
206 Schooner Bay Dr.
Brookings, Or. 97415

RECEIVED

APR 08 1998

JCH
CITY OF BROOKINGS

Jim Homan
17620 Seville Ct
Fontana CA 92335

and: *The Cove*
202 Schooner Bay Dr.
Brookings OR 97415

John C. Bischoff Planning Dir.
898 Elk Dr.
Brookings OR 97415

I would like to go on record as
opposing the proposed zoning changes which
will be the subject of the Apr. 7th Public Hearings.
I believe that the current zoning is correct &
given that there are high-end residences
so near the proposed site, a rezoning would
have the effect of devaluing the residential
property.

Why not encourage residential construction in
these areas. It certainly would be much

more esthetic than mining activity!

Respectfully,

J. Homan



DAVID EVANS AND ASSOCIATES, INC.

2828 SW Corbett Avenue

Portland, Oregon 97201

Tel: 503.223.6663

Fax: 503.223.2701

Land Use Application
PROPOSED PLAN AMENDMENT
and ZONE CHANGE
City of Brookings, Oregon

March 2, 1998

Prepared for:

South Coast Lumber Co.

Prepared by:

David Evans and Associates, Inc.



CONTENTS

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APPENDICES

- A. Customer Information Reports from Curry County Title Indicating Ownership of Subject Property
- B. Legal Descriptions of Subject Property
- C. Owners of Property within 250 feet of Subject Property



APPLICATION NARRATIVE

GENERAL INFORMATION

Applicant: South Coast Lumber Company
Gordon Ball, CFO
PO Box 670
Brookings, OR 97415
(541) 469-2136

Representative: Silas W. Davis, III, David Evans and Associates, Inc.
2828 SW Corbett Ave.
Portland, OR 97201
(503) 223-6663

Owners: South Coast Lumber Company
PO Box 670
Brookings, OR 97415
(541) 469-2136
(owner of Tax Lot 323--see Appendix A)

Real Estate Exchange, Inc.
10415 SE Stark St.
Portland, OR 97216
(503) 257-4082
(owner of Tax Lots 500 and 600--see Appendix A)

Request: Zoning Map Change from R-2 and R-3 to M-2
and Comprehensive Plan and Map Amendment from Residential to Industrial

Location: Area 1 (zoned R-3): South of Railroad Street, north of Center Street, and east of Mill Beach Road and the mill pond (on Tax Lot 2300)--Area 1 comprises the westernmost portion of Tax Lot 323 (recently included in Tax Lot 323 through a property line adjustment). (The eastern portion of Tax Lot 323 is zoned M-2.)
Area 2 (zoned R-2): South of Center Street, north of Wharf Street, and west of King Street. Area 2 comprises Tax Lots 500 and 600. (See enclosed Plan.)

Legal: Township 41 South, Range 13 West, Section 6 (Assessor's Map No. 41-13-6D and Index) Tax Lots 323, 500, 600



Total Land Area: 15.9 acres affected by this proposal
Area 1 (portion of Tax Lot 323) = 2.9 acres
(total area of Tax Lot 323 = 16.5 acres)
Area 2 = 13.0 acres
(Tax Lot 500 = 11.8 acres; Tax Lot 600 = 1.2 acres)

ZONING INFORMATION

Existing: M-2 (General Industrial), R-2 (Two-Family Residential), R-3 (Multi-Family Residential)

Proposed: M-2 (General Industrial)

Surrounding: North - C-3; West - R-3; South M-2 and R-2; East - M-2 and I-P

LAND USE INFORMATION

Existing: Predominantly vacant except for South Coast Lumber Co. plywood mill on Tax Lot 323

Proposed: No additional uses are proposed at this time, although the proposed Plan Amendment and Zone Change would allow for anticipated expansion of the existing plywood mill.

Surrounding: North - commercial; West - residential; South - residential, vacant, and industrial (City wastewater treatment plant); East - industrial and nonconforming residential.

BACKGROUND

The two areas included in this application are contiguous to the South Coast Lumber Company plywood mill site in Brookings, Oregon. The mill is located on Tax Lot 323 (Assessor's Map Number 41 13 6D). The subject property is shown on the enclosed plan, which indicates the Proposed Plan Amendment and Zone Change, and conforms to the City of Brookings plan requirements for this amendment application.

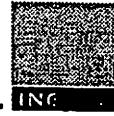
Area 1 comprises approximately 2.9 acres and is the westernmost portion of Tax Lot 323. Prior to 1990, Area 1 (which was part of Tax Lot 320, immediately west of the mill site), was zoned M-2 (General Industrial) and designated in the Comprehensive Plan for Industrial use. In 1990, the applicant, South Coast Lumber Co., requested a Plan Amendment to redesignate Tax Lot 320 as Residential and to rezone the parcel to R-3 (Multi-Family Residential). The Plan Amendment was approved and adopted. In January 1998, Area 1 was included in Tax Lot 323 through a property line adjustment, which increased the area of Tax Lot 323 from approximately 13.6 acres to 16.5 acres. The applicant now requests a Plan Amendment and Zone Change to return Area 1 of Tax Lot 323 to an Industrial plan designation and M-2 zone, which would eliminate the existing split zoning of Tax Lot 323.

PROPOSED PLAN AMENDMENT AND ZONE CHANGE

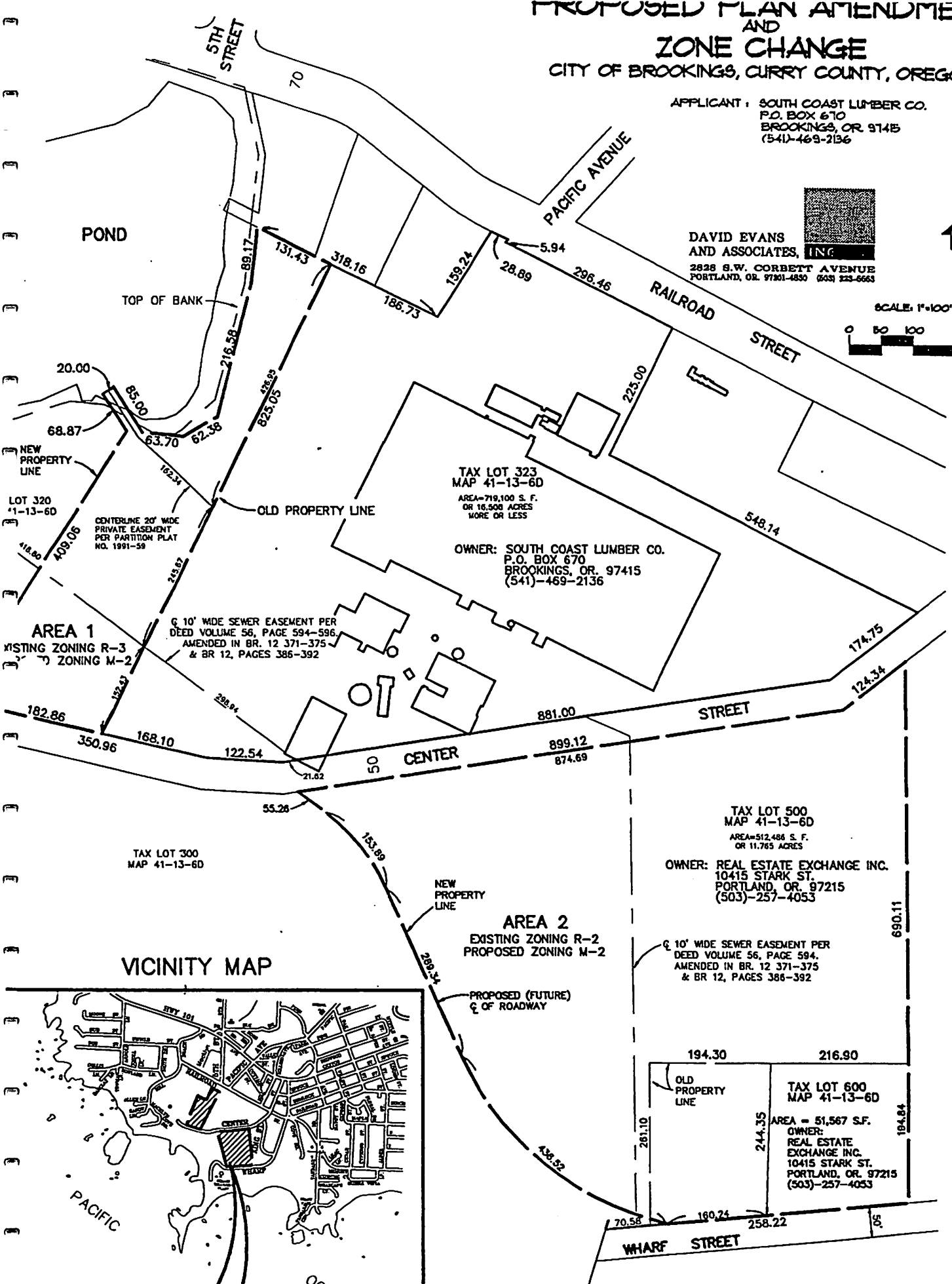
CITY OF BROOKINGS, CURRY COUNTY, OREGON

APPLICANT: SOUTH COAST LUMBER CO.
P.O. BOX 670
BROOKINGS, OR. 97415
(541)-469-2136

DAVID EVANS
AND ASSOCIATES, INC.
2828 S.W. CORBETT AVENUE
PORTLAND, OR. 97201-4630 (503) 223-6663



SCALE: 1"=100'



VICINITY MAP



PROJECT SITE

SURVEY PREPARED BY:
DAVID EVANS AND ASSOCIATES, INC.
DATE OF SURVEY: JANUARY, 1998



Area 2 of this proposal encompasses Tax Lots 500 and 600 (Assessor's Map Number 41 13 6D). The area of Tax Lot 500 was also recently increased through a property line adjustment. Both parcels now comprise approximately 13.0 acres. The parcels are designated for Residential use in the Comprehensive Plan and zoned R-2 (Two-Family Residential). The applicant requests a Plan Amendment and Zone Change for Area 2 to an Industrial plan designation and M-2 zone.

Legal descriptions of Areas 1 and 2 are included as Appendix B of this narrative.

The applicant does not propose any development or improvements to Areas 1 or 2 at this time, although the Plan Amendment and Zone Change would allow for future expansion of industrial uses near the plywood mill site. The applicant's future plans for the site include an extension of Wharf Street from its terminus, northerly along the western boundary of Tax Lot 500, to Center Street.

Access to the site is provided by Railroad Street, Pacific Avenue, Center Street, and Wharf Street.

The site is served by both City water and sewer.

CONFORMANCE WITH LOCAL PLANS AND POLICIES

As required by the City of Brookings Land Development Code, Section 144.030.E., the applicant must provide a statement and supportive evidence indicating the precise manner in which the proposed Comprehensive Plan Amendment and Zone Change is in conformance with the City's comprehensive plan and each of the applicable provisions of the Development Code. The applicant's statement and evidence addressing the Comprehensive Plan policies and goals and applicable Code provisions is provided below. The statement includes discussion of potential impacts of the proposal. The applicant has also provided a demonstration of how the proposal addresses the public need.

Comprehensive Plan

Goal 1, Citizen Involvement: The review process for the proposed amendment will include public hearings before both the Planning Commission and the City Council. The public hearings provide for citizen involvement. The City will notify citizens of the proposal and associated public meetings through a notice in the local newspaper, as required by Section 84 of the Brookings Development Code. In addition, the applicant has supplied the City with a list of all property owners (names and mailing addresses) within 250 feet of the project site; the City will mail notice of the proposed amendment and public hearings to those property owners. (A list of property owners within 250 feet of the subject property is included in Appendix C of this narrative.) Interested or concerned citizens may participate in the public hearings by submitting evidence, and/or oral or written comments for consideration by the City.



Goal 2, Land Use Planning: The applicant, by providing this application narrative and map, has attempted to prove the need for the Plan Amendment and Zone Change to allow for a change in land use, thereby addressing Policy 2 of Goal 2. It is expected that the City will follow the procedures established in the Brookings Land Development Code, Section 144 *Amendments* and other sections, that address the remaining Goal 2 policies.

Goal 3, Agricultural Lands: The proposal does not affect agricultural lands; therefore, Goal 3 is not applicable.

Goal 4, Forest Lands: The proposal does not affect agricultural lands; therefore, Goal 4 is not applicable.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The subject property is not designated by the Comprehensive Plan as an open space, scenic or historic, or natural resource area. Tax Lot 323 is adjacent to the existing mill pond to the west which, although apparently created through human activity, is considered a wetland. Tax Lot 2300, which encompasses the mill pond, contains a buffer ranging from approximately 20 feet to 120 feet wide between the mill pond and Tax Lot 323.

The proposed Plan Amendment and Zone Change would allow for expansion of the existing mill or development of other industrial uses. The proposal may reduce energy consumption by concentrating related industrial uses and, thus, reducing the need for travel or transporting goods between those uses.

Goal 6, Air, Water and Land Resources Quality: The subject property is served by City water and sewer. The proposed Plan Amendment and Zone Change would not directly impact the air, water, and land resources quality in the area. Future development on the site would generate additional runoff from impervious surfaces and may affect water quality. However, the runoff from industrial development (to be allowed through the Plan Amendment) should not pose more of a threat to water quality than runoff from residential development (allowed under the current Plan designation). Future industrial development would likely be required to include facilities for stormwater treatment. Similarly, future extension of Wharf Street would include design features to address stormwater runoff.

Air pollution is not recognized as a problem in the Brookings area. However, the proposed Plan Amendment and Zone Change would allow development of industrial uses near existing industrial uses, thus reducing the need for travel or transporting goods between those uses. Reducing travel results in reduced vehicle emissions.

Goal 7, Areas Subject to Natural Disasters and Hazards: The subject property is not in an area subject to natural hazards or disasters as identified in the Comprehensive Plan, i.e., it is not located in a flood hazard zone nor in an area with steep slopes or considered to be highly susceptible to erosion.

Goal 8, Recreational Needs: The proposed Plan Amendment and Zone Change would not affect any parks or other recreation facilities.

Goal 9, Economy of the State: Policy 2 of Goal 9 states that the City “will encourage the diversification of the City and the regional economy. The City wishes to create new employment opportunities while sustaining and expanding existing economic sectors. The proposed Plan Amendment and Zone Change would increase by 15.9 acres the amount of industrial land within the Brookings urban growth boundary (UGB). The City of Brookings has identified a need for additional land designated for industrial uses. The most recent assessment of land needed for industrial use (prepared for the City in 1994) identified a future need for nearly 170 acres of industrial land within the City’s UGB (as it existed in 1994)¹. The applicant’s proposal would address the City’s need for additional industrial land to provide for future industrial development in the area. According to a study prepared for the City of Brookings in assessing its need for UGB expansion,² the city has received numerous calls from small-scale industrial users interested in smaller (one- to five-acre) sites with services in place. The proposed Plan Amendment and Zone Change would add a relatively small, vacant, industrial site, served by water and sewer, to the City’s industrial land inventory. Adding additional industrial land within the city and near other industrial and commercial uses would encourage economic diversification.

The applicant’s proposal would also allow for future expansion of the South Coast Lumber plywood mill, should South Coast decide to do so. The existing mill is located on Tax Lot 323, immediately east of Area 1 and immediately north of Area 2 of this proposal. The mill is an important part of the Brookings economy, providing both direct and indirect economic benefits through jobs and local expenditures. Approval of the proposed amendment would allow “sustaining and expanding existing economic sectors,” as stated in Policy 1 of Goal 9.

Goal 10, Housing: Should the proposal be approved, it would result in a loss of residential land: 2.9 acres zoned for multi-family residential (R-3) and 13.0 acres zoned for two-family residential (R-2). However, the City’s recent UGB expansion can be expected to provide an adequate supply of residential land to meet expected needs. In addition, the land proposed for redesignation has remained vacant since 1991, when it was zoned for residential use, which may indicate it is relatively undesirable for residential development. The areas are adjacent to existing industrial land and industrial uses (plywood mill) on Tax Lot 323. Also, when the areas proposed for rezoning were zoned for residential uses in 1990, the Brookings area was experiencing slow industrial growth. Currently, the applicant anticipates a potential need to expand its existing industrial facility on Tax Lot 323; the economic conditions have changed.

Tax Lot 300 would remain designated for residential use. Although Tax Lot 300 is immediately adjacent to Tax Lot 500, proposed for redesignation for industrial use, Tax Lot 300 is effectively separated from Tax Lot 500 by topography. The property line between the two parcels generally follows a ridge line; Tax Lot 500 is on relatively flat land, while the topography of Tax Lot 300 slopes down to the shoreline, offering potential residences views of the ocean. The change in topography would provide a separation between future residential and industrial uses.

¹ “Brookings Urban Growth Boundary Expansion and Urban Reserve Boundary Establishment Study.” December 29, 1994 update. Prepared by David Evans and Associates, Inc. for the City of Brookings.

² Ibid.



Goal 11, Public Facilities and Services: The subject property is within the Brookings city limits and is served by both water and sewer.

Goal 12, Transportation: The proposed Plan Amendment and Zone Change would not, in itself, contribute additional traffic to the area. Future development of the site may increase the number of trucks in the area. Currently, Center Street provides access to the plywood mill and to residences west of the mill. The mix of traffic can potentially cause delays for homeowners as they wait for trucks to enter and exit the mill site, and increases the potential for conflicts between automobiles and trucks. The applicant anticipates an extension of Wharf Street in the future, which would provide an alternative access route to existing and potential residences west of the subject property. The applicant may, after an extension of Wharf Street is accomplished, propose to limit Center Street's service to that of private access for the applicant's industrial property, thus mitigating potential traffic conflicts.

The proposal should result in more efficient transportation. By allowing for concentration of related industrial uses, the Plan Amendment and Zone Change would reduce the need for travel or transporting goods between those uses.

Goal 13, Energy Conservation: The City's policies under Goal 13 include managing land and land uses to maximize energy conservation, and to encourage infilling of undeveloped parcels within the city. The applicant's proposal addresses these policies by allowing for expansion of an existing use on adjacent vacant areas, and by reducing the distance between related industrial uses, thus reducing fuel consumption for transporting goods.

The proposal would also eliminate the split zoning of Tax Lot 323. Currently, the majority of Tax Lot 323 (13.6 acres) is zoned M-2; the parcel is partially occupied by the applicant's plywood mill. The remainder of Tax Lot 323 (2.9 acres) is zoned R-3. The 2.9 acres (referred to as Area 1 elsewhere in this application) is a relatively narrow strip of land in the westernmost portion of the parcel. Under the current situation, it is unlikely that the 2.9 acres would develop with residential uses (because it is part of a larger industrial parcel). Redesignating Area 1 to conform with the designation of the remainder of Tax Lot 323 would allow for more efficient development of the parcel.

Goal 14, Urbanization: Policy 4 under Goal 14 states that the City "shall encourage the development of industrial and commercial lands in such a way as to insure a proper diversification of the local and regional economy." The proposal would allow for future industrial development and/or expansion of an existing industrial use, although no specific development is proposed at this time. The mill is an important part of the local and regional economy, providing both direct and indirect economic benefits through jobs and expenditures. In addition, the applicant has historically adjusted to shifts in the timber industry and has remained a stable employer. Because South Coast Lumber owns much of its own timber, it is not reliant on government sales and, therefore, has not suffered the type of losses experienced by many others in the timber industry. It is reasonable to expect that the applicant will continue to manage its resources, including the subject property, in ways that benefit the local economy.

(The City of Brookings Comprehensive Plan does not contain a Goal 15.)



Goal 16, Estuarine Resources: The subject property is not located on or near the Chetco River estuary, and the proposal should not affect that resource.

Goal 17, Coastal Shorelands, and Goal 18, Beaches and Dunes: The subject property is not located adjacent to the ocean and does not include any beaches or dunes. The proposal should not affect those resources.

Development Code

Section 144 of the Brookings Development Code contains the applicant's responsibilities in applying for a Plan Amendment and Zone Change. As required by Section 144, the applicant has shown how the proposal conforms with the Comprehensive Plan. Section 68 of the Brookings Development Code contains the criteria for proposed uses in the General Industrial (M-2) District. As the applicant proposes to redesignate the subject property to M-2, the proposal must not create a situation which does not conform to the M-2 criteria.

Typically, a proposal to redesignate an area must demonstrate that the parcel(s) to be redesignated must meet the minimum lot size and frontage requirements of the zone. However, the M-2 District does not have minimum lot size or frontage requirements. The M-2 District criteria and conditions relate exclusively to proposed *uses* in the District. Because the applicant does not propose any development or change in use at this time, the M-2 criteria are not applicable to the proposal. However, the criteria must be addressed when development of the site is proposed.

CONCLUSION

The proposed Plan Amendment and Zone Change would result in the redesignation of 15.9 acres within the Brookings urban growth boundary (UGB) from residential to industrial land. The City of Brookings has identified a need for additional land designated for industrial uses. The City has identified a need for additional land designated for industrial use. The applicant's proposal would address the City's need for additional industrial land to provide for future industrial development in the area. It would allow for expansion of existing industrial uses and/or development of new uses that would help diversify the local economy.

In addition, redesignation of Area 1 would eliminate the split zoning that exists on Tax Lot 323. Currently, Area 1, a narrow strip of land (2.9 acres) in the western portion of Tax Lot 323 is zoned R-3 and designated Residential, while the remainder of the parcel (13.6 acres) is zoned M-2 and designated Industrial. The 2.9 acres of Area 1 is unlikely to develop with residential uses under the existing zone configuration; redesignation would encourage more efficient use of the parcel.



Although other opportunities to redesignate land within the UGB for industrial uses may arise, none are being considered at this time, to the applicant's knowledge. In addition, the subject property lies within the city limits, unlike many other vacant areas within the UGB. Its location within the city, in addition to its proximity to an existing industrial area, qualifies the subject property for designation for industrial land uses.

The proposed Plan Amendment and Zone Change comply with the goals and policies of the Brookings Comprehensive Plan and applicable portions of the Brookings Land Development Code.

KLG:clm:SOLX0021:solzone.doc



APPENDIX A

Customer Information Reports from Curry County Title Indicating Ownership of Subject Property

Curry County Title

415 North Eliensburg Ave.
P.O. Box 672
Gold Beach, Oregon 97444
Phone: (503) 247-6645
FAX #: (503) 247-6914

430 Oak St.
P.O. Box 1363
Brookings, Oregon 97415
Phone: (503) 469-2101
FAX #: (503) 469-9509

CONSUMER INFORMATION REPORT

David Evans and Associates

atten: Christina

PROPERTY ADDRESS 825 Railroad St.

ENCLOSED PLEASE FIND THE FOLLOWING INFORMATION PER YOUR REQUEST:

TAX INFORMATION:

Tax Account Number 41-13-60 323

Description _____

Assessed Value - Land \$ 879,930

Assessed Value - Improvements \$ 2,509,460

19 97-8 Tax Amounts \$ 32,539.16

Assessed Owner South Coast Lumber Co.

☐ Map

☐ Copy Deed ☐ Contract ☐ Other Document of Record

THIS TITLE INFORMATION HAS BEEN FURNISHED, WITHOUT CHARGE, IN CONFORMANCE WITH THE GUIDELINES APPROVED BY THE STATE OF OREGON INSURANCE COMMISSIONER. THE INSURANCE DIVISION CAUTIONS INTERMEDIARIES THAT THIS SERVICE IS DESIGNED TO BENEFIT THE ULTIMATE INSURED; INDISCRIMINATE USE ONLY BENEFITTING INTERMEDIARIES WILL NOT BE PERMITTED. SAID SERVICES MAY BE DISCONTINUED. NO LIABILITY IS ASSUMED FOR ANY ERRORS IN THIS REPORT.

BARGAIN AND SALE DEED

BROOKINGS PLYWOOD CORPORATION, an Oregon corporation,
Grantor, conveys to SOUTH COAST LUMBER CO., an Oregon corporation,
Grantee, the following described real property situated in
Curry County, Oregon:

All that real property described in Exhibit A
attached hereto and incorporated herein by this
reference.

This conveyance is part of a conveyance of all Grantor's
assets to Grantee for a total consideration of \$5,896,250, plus
other value. No allocation of said total consideration has
been made to the above-described property.

BROOKINGS PLYWOOD CORPORATION

By Lyle A. Tareh
President

By Leonard N. Reed
Secretary

STATE OF OREGON)
County of Curry) ss.

March 8th, 1979

Personally appeared Lyle A. Tareh and Leonard N.
Reed who being duly sworn did say that they are the president
and secretary, respectively, of Brookings Plywood Corporation
and that the foregoing instrument was signed on behalf of
said corporation by authority of its board of directors and
they acknowledged said instrument to be its voluntary act
and deed.

Before me:

Mary E. Zuhlen
Notary Public for Oregon
My commission expires: July 9, 1981

Until a change is requested, all tax statements shall
be sent to the following address; after recording return to:
South Coast Lumber Co., P. O. Box 670, Brookings, Oregon 97415.

EXHIBIT "A"

TRACT I:

The following parcels of land lying in Township Thirty-five (35) South, Range Thirteen (13) West, Willamette Meridian, Curry County, Oregon.

Parcel I:

The Southwest Quarter (SW1/4) of Section Sixteen (16), Township Thirty-five (35) South, Range Thirteen (13) West, Willamette Meridian.

Parcel II:

Lots 9, 10, 15, and 16 in Section Twenty-four (24), Township Thirty-five (35) South, Range Thirteen (13) West, Willamette Meridian.

Parcel III:

The West half (W1/2), West half (W1/2) of the Northeast Quarter (NE1/4) and the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4), Section Twenty-nine (29), Township Thirty-five (35) South, Range Thirteen (13) West, Willamette Meridian.

Parcel IV:

The East half (E1/2) of the Southeast Quarter (SE1/4) and the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4), Section Thirty (30), Township Thirty-five (35) South, Range Thirteen (13) West, Willamette Meridian.

TRACT II:

The following parcels of land lying in Township Thirty-six (36) South, Range Fourteen (14) West, Willamette Meridian, Curry County, Oregon.

Parcel I:

That part of the East half (E1/2) of the Northeast Quarter (NE1/4) of Section Nine (9), Township Thirty-six (36) South, Range Fourteen (14) West, Willamette Meridian, which begins at a point on the East line of said Section 9 and 130.4 feet South from the Northeast Corner of said Section;
thence West 1127.6 feet (record 1124.8 feet) to the most North-
erly Corner of the tract conveyed to S. O. Nowhouse by deed
recorded in Deed Book 54, Page 243;
thence South 23° 04' West, 380.4 feet (record South 25° 46' West
383.6 feet) to the West boundary of said East half (E1/2) of said
Northeast Quarter (NE1/4)

Tract II - (Parcel I - continued)

thence South on said West boundary 1861.9 feet to the Northwest Corner of the South half (S1/2) of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of said Northeast Quarter (NE1/4);

thence East on the North line of said 3 acre subdivision to the Northeast Corner thereof;

thence South on the East line of said subdivision to the South line of said East half (E1/2) of the Northeast Quarter (NE1/4);

thence East on said South line 650.2 feet to the East Quarter Corner of said Section 9;

thence North on the East line of Section 9 2669 feet to the point of beginning;

Parcel II:

That part of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 9 lying Easterly on the County Road;

Parcel III:

The Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of Section Ten (10); Township Thirty-six (36) North, Range Twelve (12) West, Willamette Meridian;

Tract III:

The following parcels of land, to-wit: (32)
South Range Twelve (12) and Thirteen (13) West, Willamette Meridian, Curry County, Oregon.

Parcel I:

The West half (W1/2) of the Section Thirty-six (36), Township Thirty-eight (38) South, Range Twelve (12) West, Willamette Meridian.

Parcel II:

The Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4), of Section Nineteen (19);

The Southeast Quarter (SE1/4) and the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4), Section Twenty (20);

The North half (N1/2) of the Northeast Quarter (NE1/4);

The Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) and the West half (W1/2) of the Northwest Quarter (NW1/4), of Section Twenty-nine (29);

(continued)

Tract III (Parcel II - continued)

The East half (E1/2) of the Northeast Quarter (NE1/4) and the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4), Lot 1, of Section Thirty (30), all in Township Thirty-eight (38) South, Range Thirteen (13) West, Willamette Meridian.

TRACT IV:

The following parcels of land lying in Township Forty (40) South, Range Twelve (12), Thirteen (13) and Fourteen (14) West, Willamette Meridian, Curry County, Oregon.

Parcel I:

A tract of land situated in Lots 12 and 13, Section Eighteen (18), Township Forty (40) South, Range Twelve (12) West, Willamette Meridian, Curry County, Oregon:

Beginning at a point on the West boundary of said Section 18, said point being North 323.3 feet from the Southwest Corner of Section 18;

thence North 81° 27' East 249.1 feet;
thence North 71° 32' East 64.4 feet;
thence North 53° 30' East 343.2 feet;
thence North 57° 00' East 199.5 feet;
thence North 6° 50' West 154.6 feet;
thence North 27° 13' West 180.0 feet;
thence North 12° 42' West 218.1 feet;
thence North 10° 57' West 234.8 feet;
thence North 1° 29' West 263.5 feet;
thence North 0° 57' East 153.7 feet;
thence North 7° 38' West 103.5 feet;
thence South 84° 00' West 542.5 feet to a point on the West

boundary of Section 18;

thence following said Section boundary South 1590.8 feet to the point of beginning.

Parcel II:

Lots 6, 7, 9 and 10, Section Nineteen (19), Township Forty (40) South, Range Thirteen (13) West, Willamette Meridian.

Parcel III:

Government Lots 5, 11, 12 and 14, Section Nineteen (19), Township Forty (40) South, Range Thirteen (13) West, Willamette Meridian, Curry County, Oregon.

EXCEPT THEREFROM that portion of said Government Lots 5, 11, 12 and 14, included in a strip of land 100 feet in width, 50 feet on each side of the centerline of the Old Oregon Coast Highway, which centerline is referred to in that deed to Curry County, recorded in Book 19, Pages 313-315 of Curry County Deed Records.

(continued)

Order No. 28508

Tract IV (Parcel III - continued)

ALSO EXCEPTING from Lot 5, that portion deeded to Curry County by instrument dated September 23, 1965, recorded March 11, 1966 in Volume 79, Page 36, for relocated Rainbow Rock County Road.

Parcel IV:

Beginning at the Southeast Corner of the North half (N1/2) of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section Twenty-five (25), Township Forty (40) South, Range Thirteen (13) West, Willamette Meridian, Curry County, Oregon;
 thence West 7.00 chains along the South boundary of the said North Half (N1/2);
 thence South 6.00 chains;
 thence South 22° West 4.31 chains, more or less, to the North boundary of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of the said Section 25;
 thence West 9.07 chains along the said North boundary;
 thence South 10.00 chains, more or less, to the North boundary of the South half (S1/2) of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4);
 thence East 17.68 chains, more or less, along the said North boundary to the Northeast Corner of the said South half (S1/2);
 thence North 20.00 chains, more or less, along the West boundary of the East half (E1/2) of the East half (E1/2) of the said Section 25; to the place of beginning.

EXCEPTING THEREFROM that portion described in a deed to William G. Muncy, et ux, dated June 1, 1970, recorded June 8, 1970 in Book of Records 15, Page 45 and more particularly described as follows:

A parcel of land located in the Southeast Quarter (SE1/4) of Section 25, Township 40 South, Range 13 West, Willamette Meridian, Curry County, Oregon:

Beginning at Point "A", which is 522.0 feet North and 274.6 feet West of the Southeast Corner of the North half (N1/2) of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section 25, Township 40 South, Range 13 West, Willamette Meridian;
 thence North 30° 45' East 132.0 feet to Point "B";
 thence North 65° 00' West 113.2 feet to Point "C";
 thence North 29° 00' West 61.5 feet to Point "D";
 thence North 00° 00' 235.0 feet to Point "E";
 thence South 65° 00' West 188.5 feet to Point "F";
 thence South 22° 00' West 284.5 feet to Point "G";
 thence South 26° 00' East 146.0 feet to Point "H";
 thence South 73° 41' East 132.8 feet to Point "I";
 thence North 70° 45' East 105.1 feet to Point "A"; the point of beginning.

Parcel V:

Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) South half (S1/2) of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4), all in Section Twenty-five (25), Township Forty (40) South, Range Thirteen (13) West, Willamette Meridian, Curry County, Oregon.

Tract IV:Parcel VI:

Lots 10, 11, 14 and 15, Section Thirty (30), Township Forty (40) South, Range Thirteen (13) West, Willamette Meridian.

EXCEPTING THEREFROM that portion deeded to Curry County by instrument dated February 21, 1963, recorded February 21, 1963, in Volume 67, Page 493 and more particularly described as follows:

Beginning at a point on the Section line between Sections 30 and 31, Township 40 South, Range 13 West, Willamette Meridian, said point being 1,034.83 feet Westerly of the One Quarter Section Corner common to Sections 30 and 31, Township 40 South, Range 13 West, Willamette Meridian, Curry County, Oregon, thence North 12° 11' 06" West 144.59 feet, thence North 53° 18' East 769.70 feet, thence South 36° 42' East 750.00 feet to the Quarter Section Corner common to Sections 30 and 31; thence Westerly along the Section line to Sections 30 and 31, 1,034.83 feet, more or less, to the point of beginning. All lying and being in Curry County, Oregon.

Parcel VII:

The North half (N1/2) of the Northwest Quarter (NW1/4) of Section One (1), Township Forty (40) South, Range Fourteen (14) West, Willamette Meridian, all in Curry County, Oregon.

EXCEPT THEREFROM that portion of said North half (N1/2) of the Northwest Quarter (NW1/4) included in a strip of land 100 feet in width, 50 feet on each side of the centerline of the Old Oregon Coast Highway, which centerline is referred to in that deed to Curry County recorded in Book 19, Pages 313-315 of Curry County Deed Records.

Parcel VIII:

The North half (N1/2) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4);
the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4);
The South half (S1/2) of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4);
The Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) and the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4), of Section Twenty-five (25), Township Forty (40) South, Range Fourteen (14) West, Willamette Meridian, Curry County, Oregon.

(continued)

Tract IV (Parcel VIII - continued)

All of that portion of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section Twenty-five (25), Township Forty (40) South, Range Fourteen (14) West, Willamette Meridian, lying South of Old State Highway 101;

EXCEPT that portion adjacent to the East line of Section 25, and described as follows:

Beginning at the 1/16 Corner North on the East line of Section 25, Township 40 South, Range 14 West, Willamette Meridian;
thence South $89^{\circ} 10'$ West 134.2 feet;
thence North $0^{\circ} 34'$ East 36.0 feet, more or less, to the South boundary of Old State Highway 101;
thence Northeasterly along the South boundary of Old State Highway 101 to an intersection with the East line of Section 25;
thence South along the East line of said Section 25 to the point of beginning.

EXCEPTING THEREFROM that portion lying within Old Oregon Coast Highway 101 and that portion of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) lying Southerly of said highway.

ALSO EXCEPTING the North 20 feet of the East 134.3 feet of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4), and further described in a deed to Donald W. and Mary M. Horton, recorded February 19, 1970 in Book of Records 14, Page 24.

Parcel IX:

The West half (W1/2) of the Southeast Quarter (SE1/4) and the East half (E1/2) of the Southwest Quarter (SW1/4) of Section Twelve (12), Township Forty (40) South, Range Fourteen (14) West, Willamette Meridian, all in Curry County, Oregon.

EXCEPT THEREFROM that portion of said West half (W1/2) of the Southeast Quarter (SE1/4) and the East half (E1/2) of the Southwest Quarter (SW1/4) included in a strip of land 100 feet in width, 50 feet on each side of the centerline of the Old Oregon Coast Highway, which centerline is referred to in that deed to Curry County, recorded in Book 19, Pages 313-15 of Curry County Deed Records.

TRACT V:

The following parcels of land lying in Township Forty-one (41) South, Range Twelve (12) and Thirteen (13) West, Willamette Meridian, Curry County, Oregon.

(continued)

Order No. 23503

Tract V

Parcel I:

Lot 4, Section Six (6), Township Forty-one (41) South, Range Twelve (12) West, Willamette Meridian.

Parcel II:

The Southeast Quarter (SE1/4) of Section Eleven (11), Township Forty-one (41) South, Range Thirteen (13) West, Willamette Meridian.

TRACT VI:

Parcel I:

That certain tract of land lying in the Southeast Quarter (SE1/4) of Section Six (6), Township Forty-one (41) South, Range Thirteen (13) West, Willamette Meridian, in the City of Brookings, Curry County, Oregon, described as follows:

Beginning at Point "BP1" that bears South 64° 11' East 52.38 feet from a point described as being 675.37 feet South and 398.31 feet West of the Initial Point of the City of Brookings;

thence South 51° 53' West 203.43 feet to point "BP2";

thence South 51° 53' West 125.52 feet;

thence South 81° 24' West 399.35 feet;

thence North 86° 46' West 132.1 feet;

thence North 76° 46' West 350 feet, more or less, to the Easterly boundary of that certain tract of land described in Curry County Book of Records Volume 13, Page 713;

thence North 50 feet, more or less, to the most Northeasterly Corner of the aforementioned tract;

thence North 62° 44' West 22.5 feet;

thence North 30° 43' West 102.1 feet;

thence North 81° 44' West 78.5 feet;

thence South 62° 43' West 31.0 feet to Point "BP3";

thence South 41° 07' West 100.1 feet;

thence South 09° 06' West 62.9 feet;

thence South 17° 02' East 260 feet, more or less, to the ordinary high tide line of the Pacific Ocean;

thence Westerly following the ordinary high tide line of the Pacific Ocean to a point that bears South 130 feet, more or less, from a point "BP4". Said Point being 709.1 feet South and 758.4 feet East of the Northwest Corner of Government Lot 4 of said Section 6;

thence North 13° 33' East 154.6 feet, more or less, to Point "BP4";

thence North 21° 39' East 243.0 feet;

thence North 61° 10' West 154.6 feet;

(continued)

Order No. 28508

Tract VI (Parcel I - continued)

thence North 28° 43' West 89.4 feet;
 thence North 47° 41' West 154.4 feet to the centerline
 of the Southerly end of Mill Beach Road, Point "BP5";
 thence North 04° 02' East 275.2 feet;
 thence North 34° 04' East 236.1 feet;
 thence North 72° 40' East 412.6 feet;
 thence North 15° 02' East 221.7 feet;
 thence North 08° 38' West 472.5 feet;
 thence North 71° 19' East 243.0 feet to Point "BP6";
 thence leaving the centerline of Mill Beach Road and following
 the leasehold now existing between the Estate of Elmer Bankus and
 Brookings Plywood, South 60° 55' 20" East 918.63 feet;
 thence South 50° 54' West 97.6 feet;
 thence South 36° 16' West 128.2 feet;
 thence North 78° 34' West 123.0 feet;
 thence South 50° 15' West 78.3 feet;
 thence South 16° 00' West 132.0 feet;
 thence South 63° 16' East 381.6 feet;
 thence South 42° 35' West 77.9 feet;
 thence South 63° 16' East 543.6 feet;
 thence South 26° 44' West 125.0 feet;
 thence South 64° 11' East 343.0 feet to a point described as
 being 675.37 feet South and 398.31 feet West of the Initial Point
 of the City of Brookings;
 thence South 64° 11' East 52.38 feet to the point of beginning.

Parcel II:

Also that parcel of land being 25 feet wide lying Westerly and
 Southwesterly and parallel between Points "BP4" and "BP5" as
 described in Parcel I above;
 Subject however to an easement granted by that certain Instrument
 recorded in Book of Records, Volume 25, Page 737.

EXCEPT a strip of land 50 feet in width, for right of way purposes
 lying adjacent to and on the Northerly side of the line from Point
 "BP1" to Point "BP3".

EXCEPT the following described tract:

Beginning at Point "BP2";
 thence South 51° 53' West 125.5 feet;
 thence North 43° 09' East 144.4 feet;
 thence South 27.9 feet to the point of beginning.

EXCEPT a strip of land 25 feet in width, known as Mill Beach Road,
 lying adjacent to and on the Easterly side of the line described
 from Point "BP5" to Point "BP6".

(continued)

Tract VI (Parcel II - continued)

EXCEPT that certain tract of land granted to the City of Brookings by Quit Claim Deed by Brookings Plywood for purposes of utility and set forth in Curry County Deed Records, Book 56, Page 591.

EXCEPT a strip of land 15 feet in width, for right of way purposes, lying adjacent to and on the Southeasterly side of the following described line:

Beginning at Point "PP6";
thence South 60° 55' 20" East 625 feet

TRACT VII:

Parcel I:

That certain tract of land which is a fractional portion of the Southeast Quarter (SE1/4) of Section Six (6), Township Forty-one (41) South, Range Thirteen (13) West, Willamette Meridian, Curry County, Oregon, described as follows:

Beginning at the Southwest Corner of Block 2 of Brookings, Curry County, Oregon;

thence South 42° 35' 14" West 148.04 feet to an iron pipe and the true point of beginning;

thence continue South 2° 35' 14" West 125 feet;

thence South 63° 02' East 98.1 feet;

thence North 42° 35' East 125.0 feet;

thence North 63° 02' West 98.1 feet to the point of beginning.

ALSO a tract beginning at the Southwest Corner of Block 2, City of Brookings, Curry County, Oregon as recorded in Plat No. 1, as recorded December 1, 1920;

thence South 42° 35' 14" West along the Easterly line of Pacific Avenue 25.04 feet to the centerline of Railroad Street (now Vacated) for the true point of beginning;

thence continue South 2° 35' 14" West 125.00 feet;

thence South 63° 02' East 98.10 feet;

thence North 42° 35' 14" East 102.18 feet to the centerline

of said Railroad Street;

thence along said centerline North 50° 48' 15" West 94.63 feet to the point of beginning.

Parcel II:

That certain tract of land lying in the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section Six (6), Township Forty-one (41) South, Range Thirteen (13) West, Willamette Meridian, in the City of Brookings, Curry County, Oregon, described as follows:

(continued)

Order No. 23508

Tract VII (Parcel II - continued)

Beginning at an iron pipe on the Northwestern boundary of Pacific Avenue driven at a point 165.2 feet South and 233.4 feet West of the intersection of the Southeastly boundary of Pacific Avenue with the centerline of Cottage Street in the City of Brookings, Oregon;

thence following the Northwesternly boundary of Pacific Avenue South 42° 35' 13" West 199.3 feet to an iron pipe;

thence North 65° 16' West 381.4 feet;

thence North 15° 59' 30" East 132.0 feet;

thence North 50° 14' 30" East 78.34 feet;

thence South 78° 42' 30" East 121.0 feet;

thence North 36° 15' 30" East 44.1 feet to an iron pipe;

thence South 47° 25' East 315.4 feet to the true point of beginning.

TRACT VIII:Parcel I:

That certain tract of land lying in the East Half of the Southeast Quarter and in the Southeast Quarter of the Northeast Quarter of Section 13, Township 37 South, Range 15 West, Willamette Meridian and in Lot 2 and Lot 3 in Section 19, Township 37 South, Range 15 West, Willamette Meridian, Curry County, Oregon, described as follows:

Beginning at the intersection of the South boundary of Section 13 and the East boundary of the re-located Oregon Coast Highway;

thence East along the South boundary of said Section 13 to the Southeast corner of said Section 13;

thence following the East boundary of said Section 13 North 46° 46' West 1255.62 feet;

thence North 67° 43' 10" East 1220.14 feet to an iron pipe;

thence North 38° 45' West 234.7 feet to an iron pipe;

thence North 51° 15' East 211.1 feet to the Southwesterly boundary of the County Road;

thence Northwesterly following the Westerly boundary of Hunter Creek County Road, as said road is described in Order filed November 12, 1955 in Commissioners Journal Volume 9, Page 331, to its intersection with the East boundary of the Oregon State Park;

thence South along the East boundary of the State Park 1700 feet, more or less, to its intersection with the Easterly boundary of the re-located Oregon Coast Highway;

thence South along the Easterly boundary of the re-located Oregon Coast Highway to the point of beginning.

EXCEPT that certain tract of land lying in the Southeast Quarter of the Southeast Quarter of Section 13, deeded to the Gold Beach Border of the County, as recorded in Volume 24, Page 294, Deed Records of Curry County, Oregon

(continued)

Order No. 23508

Tract VIII: (Parcel I - continued)

ALSO beginning at an iron pipe on the Easterly boundary of the Hunter Creek County Road, which iron pipe is 1423.1 feet South and 225.4 feet West of the Northeast corner of Section 11, Township 37 South, Range 15 West, Willamette Meridian; thence East 400 feet, more or less, to the center line of Hunter Creek;

thence Southeastly following the center line of Hunter Creek to its intersection with the West boundary of the County Road Right of Way where it crosses Hunter Creek in the Northeast Quarter of the Southwest Quarter of Section 18;

thence following the West boundary of the County Road South 29° 10' West 155 feet, more or less, to an angle in the County Road;

thence Northerly following the Easterly boundary of the County Road to the point of beginning.

EXCEPT that certain tract of land conveyed to The Leisure Group, Inc., by instrument recorded October 22, 1969 in BR Volume 12, page 817 Records of Curry County, Oregon.

ALSO EXCEPT that tract conveyed to Curry County for County Road right of way purposes by instrument recorded May 17, 1977 in BR Volume 51, Page 707 Records of Curry County, Oregon.

SUBJECT to rights of way and utilities and together with any rights in and to that portion as disclosed by instrument recorded December 22, 1978 in BR Volume 65, Page 323.



Order No. 28503

Indexed in Books

State of Oregon }
County of Curry } ss.

I hereby certify that the within instrument was
filed for record March 15, 1979
at 1:15 o'clock P M. and recorded

In Book of Records Vol. 62 Page 718-729

BERNARD J. MATHER, County Clerk

Margaret J. Mather, Deputy

Fee Paid \$6.00



Curry County Title

415 North Ellensburg Ave.
P.O. Box 672
Gold Beach, Oregon 97444
Phone: (503) 247-6645
FAX #: (503) 247-6914

430 Oak St.
P.O. Box 1363
Brookings, Oregon 97415
Phone: (503) 469-2101
FAX #: (503) 469-9509

CONSUMER INFORMATION REPORT

David Evans & Associates

attn: Chestnut

PROPERTY ADDRESS _____

ENCLOSED PLEASE FIND THE FOLLOWING INFORMATION PER YOUR REQUEST:

TAX INFORMATION:

Tax Account Number 411360 500

Description _____

Assessed Value - Land \$ 44,810

Assessed Value - Improvements \$ —

19 97-8 Tax Amounts \$ 430.18

Assessed Owner Real Estate Exchange, Inc.

____ Map

____ Copy Deed ____ Contract ____ Other Document of Record

97-2280

THIS TITLE INFORMATION HAS BEEN FURNISHED, WITHOUT CHARGE, IN CONFORMANCE WITH THE GUIDELINES APPROVED BY THE STATE OF OREGON INSURANCE COMMISSIONER. THE INSURANCE DIVISION CAUTIONS INTERMEDIARIES THAT THIS SERVICE IS DESIGNED TO BENEFIT THE ULTIMATE INSURED; INDISCRIMINATE USE ONLY BENEFITTING INTERMEDIARIES WILL NOT BE PERMITTED. SAID SERVICES MAY BE DISCONTINUED. NO LIABILITY IS ASSUMED FOR ANY ERRORS IN THIS REPORT.

WARRANTY DEED (CORPORATION)

THE CHETCO CORPORATION, an Oregon Corporation, hereinafter called grantor, convey(s) to REAL ESTATE EXCHANGE, INC., an Oregon Corporation, all that real property situated in the County of Curry, State of Oregon, described as:

REAL PROPERTY AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

and covenant(s) that grantor is the owner of the above described property free of all encumbrances except:

AS SHOWN ON EXHIBIT "A" ATTACHED HERETO

and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is \$995,000.00.

Signed by authority of the Board of Directors, with the seal of said corporation affixed, this 15th day of MAY, 1997.

(Corporate Seal)

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAW SUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

By: *[Signature]*

DAN J. AGNEW, V.P.

By: _____

STATE OF OREGON, County of MULTNOMAH ss

On this 15th day of MAY, 1997

Personally appeared DAN J. AGNEW ^{VIC} who, being duly sworn, did say that he is the PRESIDENT of THE CHETCO CORPORATION and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors; and he acknowledged said instrument to be its voluntary act and deed.



Before Me:

Cheryl L. Gyerman
Notary Public for Oregon
My Commission Expires: 8/23/98

The dollar amount should include cash plus all encumbrances existing against the property to which the property remains subject or which the purchaser agrees to pay or assume.

WARRANTY DEED (CORPORATION)

THE CHETCO CORPORATION

TO

REAL ESTATE EXCHANGE, INC.

Return to:

Curry County Title, Inc.

P.O. Box 672

Gold Beach, OR 97444

Send tax statements to:

REAL ESTATE EXCHANGE, INC.

10415 SE Stark Street

Portland, OR. 97216

SPACE RESERVED FOR RECORDER'S USE

Exhibit "A"

That certain tract of land lying in Section Six (6) and Section Seven (7), Township Forty-one (41) South, Range Thirteen (13) West, Willamette Meridian, in the City of Brookings, Curry County, Oregon, described as follows:

Beginning at a point 351.08 feet South and 502.20 feet West of the Northeast corner of said Section 7;

thence North 69° 41' East 91.6 feet;
thence North 53° 18' East 63.1 feet;
thence North 41° 46' East 80.8 feet;
thence North 26° 29' East 86.2 feet;
thence North 15° 05' East 72.9 feet;
thence North 02° 01' East 73.8 feet;
thence North 12° 44' West 85.6 feet;
thence West 612.4 feet;
thence South 16° 16' West 86.97 feet;
thence West 356.7 feet;
thence North 860.38 feet;

thence South 43° 09' West 144.4 feet;
thence South 81° 24' West 899.35 feet;
thence North 86° 46' West 132.1 feet;
thence North 76° 46' West 355 feet, more or less, to Easterly boundary of that certain tract of land described in Curry County, BR: 13 Page: 713;
thence South 386 feet, more or less, to the ordinary high tide line of the Pacific Ocean;

thence in a Southeasterly, Southerly, Southwesterly, Southeasterly, Northeasterly and Easterly direction following the ordinary high tide line of the Pacific Ocean to a point that bears South 28° 55' West from the Point of Beginning;
thence North 28° 55' East 100 feet, more or less, to the Point of Beginning.

TOGETHER WITH that certain parcel vacated by the City of Brookings in Ordinance #409 by instrument recorded December 8, 1986 BR: 127 Pages: 136-140.

SAVE and EXCEPT that certain tract of land described in DV: 50 Page: 659 and BR: 129 Page: 911.

ALSO EXCEPT The Cove at Brookings, Phase I, Plat No. 1991-19, recorded April 1, 1991, Inst. #91-1585.

ALSO EXCEPT The Cove at Brookings, Phase II A, Plat No. 1992-70, recorded November 3, 1992 Inst. #92-09234.

ALSO EXCEPT The Cove at Brookings, Phase II B, Plat No. 1992-71, recorded November 3, 1992 Inst. #92-09235.

ALSO EXCEPT The Cove at Brookings, Phase II C, Plat No. 1995-7, recorded February 10, 1995 Inst. #95-00596.

ALSO EXCEPT any portion lying Easterly of Schooner Bay Drive as shown on The Cove Plats described above.

1997 INSTRUMENT 97 02280

STATE OF OREGON
COUNTY OF CURRY

I RENÉE KOLEN, COUNTY CLERK, CERTIFY
THAT THE WITHIN DOCUMENT WAS
RECEIVED AND DULY RECORDED IN THE
OFFICIAL RECORDS OF CURRY COUNTY AT

04:08 ON 05-20-97

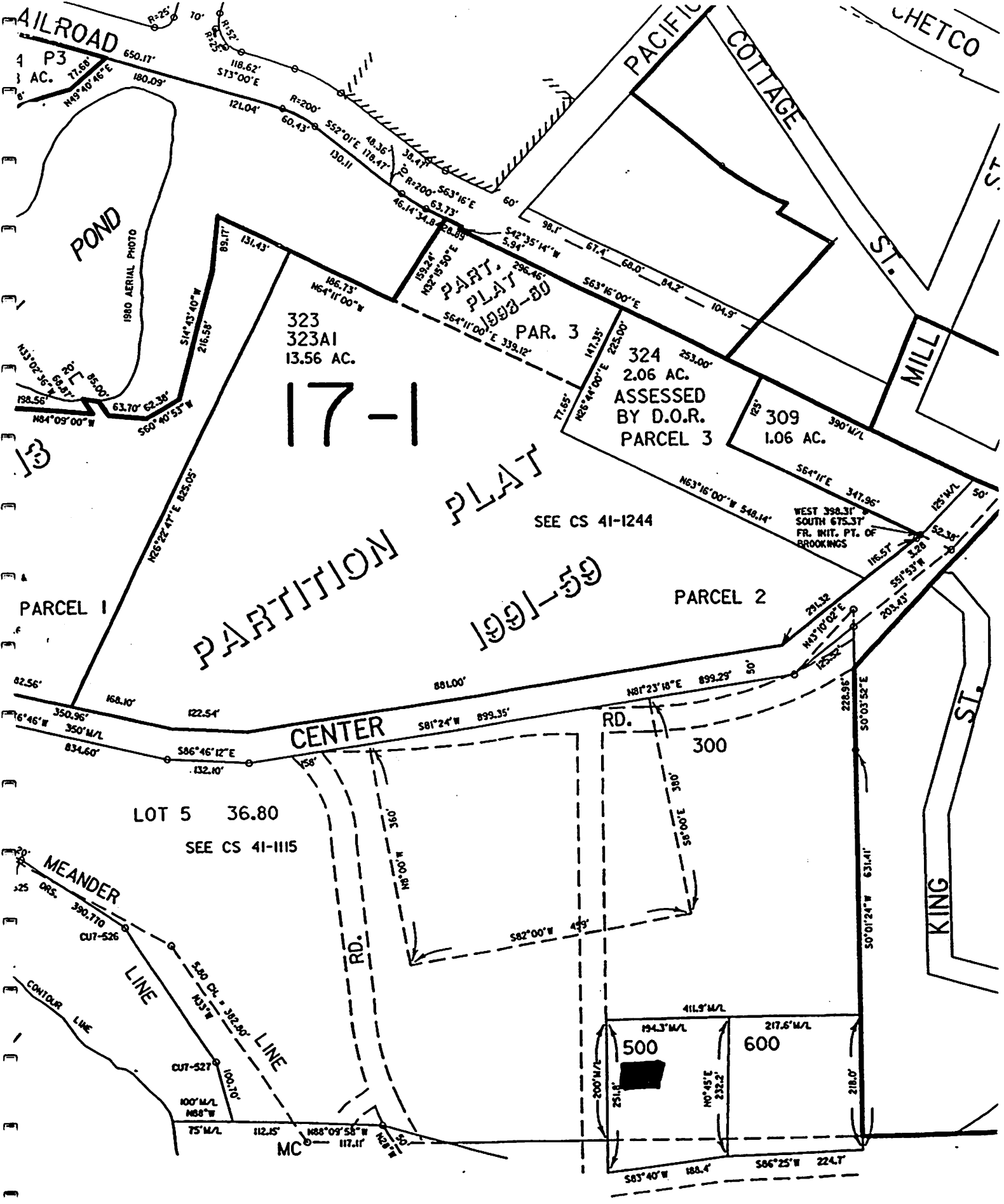
BY: CF

DEPUTY

FEE \$ 40.00

PAGES: 2





C.L.O. WEST 32.80 CH.

Curry County Title

415 North Ellensburg Ave.
P.O. Box 672
Gold Beach, Oregon 97444
Phone: (503) 247-6645
FAX #: (503) 247-6914

430 Oak St.
P.O. Box 1363
Brookings, Oregon 97415
Phone: (503) 469-2101
FAX #: (503) 469-9509

CONSUMER INFORMATION REPORT

David Evans & Associates

attn: Christy

PROPERTY ADDRESS _____

ENCLOSED PLEASE FIND THE FOLLOWING INFORMATION PER YOUR REQUEST:

TAX INFORMATION:

Tax Account Number

41136D 600

Description _____

Assessed Value - Land

\$ 46,670

Assessed Value - Improvements

\$ -

19 97-8 Tax Amounts

\$ 448.03

Assessed Owner

Real Estate Exchange, Inc.

Map _____

Copy Deed _____

Contract _____

Other Document of Record _____

97-2280

THIS TITLE INFORMATION HAS BEEN FURNISHED, WITHOUT CHARGE, IN CONFORMANCE WITH THE GUIDELINES APPROVED BY THE STATE OF OREGON INSURANCE COMMISSIONER. THE INSURANCE DIVISION CAUTIONS INTERMEDIARIES THAT THIS SERVICE IS DESIGNED TO BENEFIT THE ULTIMATE INSURED; INDISCRIMINATE USE ONLY BENEFITTING INTERMEDIARIES WILL NOT BE PERMITTED. SAID SERVICES MAY BE DISCONTINUED. NO LIABILITY IS ASSUMED FOR ANY ERRORS IN THIS REPORT.

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and covenant(s) that grantor is the owner of the above described property free of all encumbrances except:

AS SHOWN ON EXHIBIT "A" ATTACHED HERETO

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(Corporate Seal)

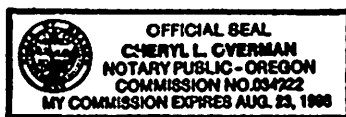
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By: *[Signature]*
DAN J. AGNEW, V.P.
By: _____

STATE OF OREGON, County of MULTNOMAH ss

On this 15th day of MAY, 1997

Personally appeared DAN J. AGNEW ^{Vice} ~~RICHARD LUTHE~~ who, being duly sworn, did say that he is the PRESIDENT of THE CHETCO CORPORATION and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors; and he acknowledged said instrument to be its voluntary act and deed.



Before Me:

Cheryl L. Overman
Notary Public for Oregon
My Commission Expires: 8/23/98

The dollar amount should include cash plus all encumbrances existing against the property to which the property remains subject or which the purchaser agrees to pay or assume.

WARRANTY DEED (CORPORATION)
THE CHETCO CORPORATION
TO
REAL ESTATE EXCHANGE, INC.

Return to:
Curry County Title, Inc.
P.O. Box 672
Gold Beach, OR 97444

Send tax statements to:
REAL ESTATE EXCHANGE, INC.
10415 SE Stark Street
Portland, OR. 97216

SPACE RESERVED FOR RECORDER'S USE

CURRY COUNTY TITLE, INC.
P.O. Box 672-Gold Beach, OR 97444
6389613

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Beginning at a point 351.08 feet South and 502.20 feet West of the Northeast corner of said Section 7;

thence North 69° 41' East 91.6 feet;
thence North 53° 18' East 63.1 feet;
thence North 41° 46' East 80.8 feet;
thence North 26° 29' East 86.2 feet;
thence North 15° 05' East 72.9 feet;
thence North 02° 01' East 73.8 feet;
thence North 12° 44' West 85.6 feet;
thence West 812.4 feet;
thence South 16° 16' West 86.97 feet;
thence West 356.7 feet;
thence North 860.38 feet;
thence South 43° 09' West 144.4 feet;
thence South 81° 24' West 899.35 feet;
thence North 86° 46' West 132.1 feet;
thence North 76° 46' West 355 feet, more or less, to Easterly boundary of that

certain tract of land described in Curry County, BR: 13 Page: 713;

thence South 386 feet, more or less, to the ordinary high tide line of the Pacific Ocean;

thence in a Southeasterly, Southerly, Southwesterly, Southeasterly, Northeasterly and Easterly direction following the ordinary high tide line of the Pacific Ocean to a point that bears South 28° 55' West from the Point of Beginning;

thence North 28° 55' East 100 feet, more or less, to the Point of Beginning.

TOGETHER WITH that certain parcel vacated by the City of Brookings in Ordinance #409 by instrument recorded December 8, 1986 BR: 127 Pages: 136-140.

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ALSO EXCEPT The Cove at Brookings, Phase II C, Plat No. 1995-7, recorded February 10, 1995 Inst. #95-00596.

ALSO EXCEPT any portion lying Easterly of Schooner Bay Drive as shown on The Cove Plats described above.

1997 INSTRUMENT 97 02280

STATE OF OREGON
COUNTY OF CURRY

I RENÉE KOLEN, COUNTY CLERK, CERTIFY
THAT THE WITHIN DOCUMENT WAS
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OFFICIAL RECORDS OF CURRY COUNTY AT

04:08 ON 05-20-97

BY: CF

DEPUTY

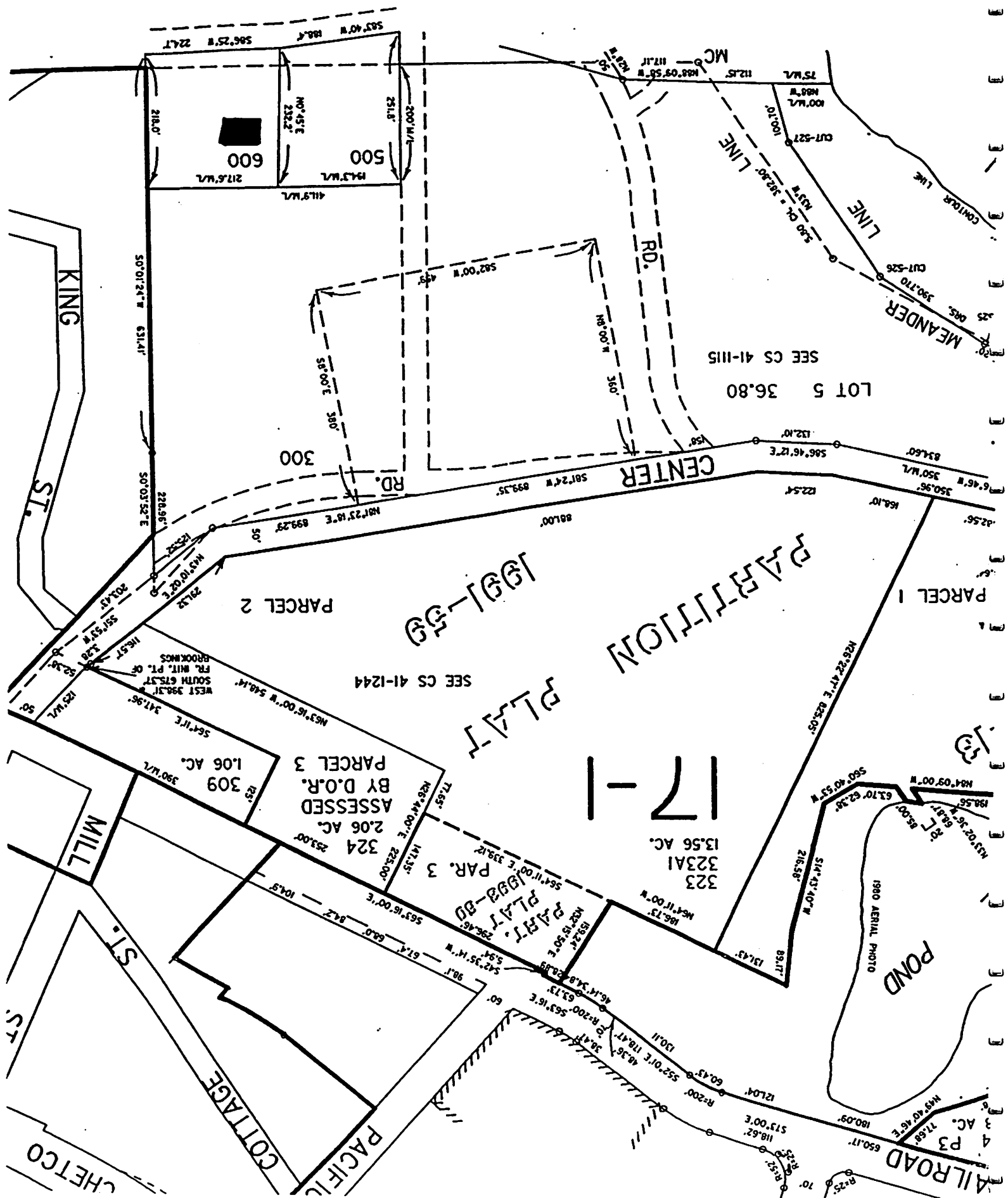
FEE \$

40.00

PAGES:

2







APPENDIX B

Legal Descriptions of Subject Property:

Area 1 (Tax Lot 323) = Mill Site

Area 2 (Tax Lots 500 and 600) = South of Center Street



SOLX0021
2/24/98
D.G.H.

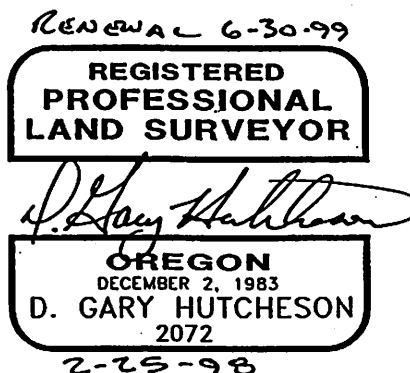
**LEGAL DESCRIPTION FOR
SOUTH COAST LUMBER COMPANY
PROPOSED RE ZONING FROM R-3 TO M-2
MILL SITE**

The purpose of this legal description is to describe a parcel of land that is proposed to be zoned M-2 within the City of Brookings, Oregon.

Situated in the Southeast Quarter and the Southwest Quarter of Section 6, Township 41 South, Range 13 West, Willamette Meridian, City of Brookings, Curry County, Oregon and being a portion of Parcel 1 of Partition Plat No. 1997-13, said county and being described as follows:

Beginning at the most easterly northeast corner of Parcel 1 of Partition Plat No. 1997-13, said County and running thence South 26° 22' 47" West on the east line of said Parcel 1, a distance of 825.05 feet to the northerly right-of-way line of Center Street; thence on the said northerly right-of-way line of Center Street the following courses: North 76° 46' 00" West, a distance of 182.86 feet; thence North 00° 01' 02" East, a distance of 89.16 feet; thence leaving said northerly right-of-way line of Center Street North 32° 17' 59" East, a distance of 409.06 feet to south line of Parcel 2 of Partition Plat No. 1993-60, said county; thence on the said south and east line of said Parcel 2 the following courses: North 33° 02' 36" West, a distance of 68.87 feet; thence North 56° 57' 24" East, a distance of 20.00 feet; thence South 33° 02' 36" East, a distance of 85.00 feet; thence South 84° 09' 00" East, a distance of 63.70 feet; thence North 60° 40' 53" East, a distance of 62.38 feet; thence North 14° 43' 40" East, a distance of 216.58 feet; thence North 05° 58' 24" East, a distance of 89.17 feet to the south line of Partition Plat No. 1994-30; thence on the south and east line of Partition Plat No. 1994-30 the following courses: South 64° 11' 00" East, a distance of 131.43 feet to the Point of Beginning containing 128,046 square feet or 2.940 acres, more or less.

Basis of bearing for this legal description being Partition Plat No. 1997-13 recorded in Curry County Surveyor's Office.



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SOLX0021

2/24/98

D.G.H.

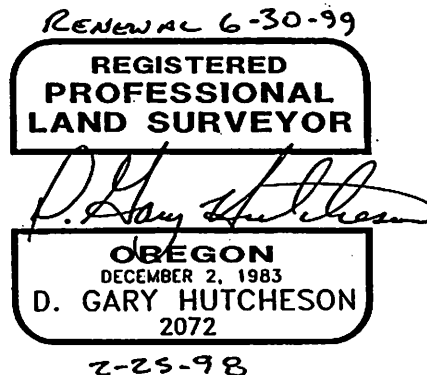
**LEGAL DESCRIPTION FOR
SOUTH COAST LUMBER COMPANY
PROPOSED REZONING FROM R-2 TO M-2
SOUTH OF CENTER STREET**

The purpose of this legal description is to describe a parcel of land that is proposed to be zoned M-2 within the City of Brookings, Oregon

Situated in the Southeast Quarter of Section 6 and the Northeast Quarter of Section 7, Township 41 South, Range 13 West, Willamette Meridian, City of Brookings, Curry County, Oregon and being described as follows:

Beginning at the northeast corner of Instrument Number 97002280, Book of Records said County, being a found 5/8" iron rod with yellow plastic cap stamped "R.H. Smith L.S. 2542" on the southerly right-of-way line of Center Street and being located North 89° 53' 35" West, a distance of 1266.81 feet and North 00° 06' 25" East, a distance of 829.21 feet from the southeast corner of said Section 6, a found 1/2" brass plug in concrete and running thence South 00° 17' 31" East, a distance of 201.15 feet; thence South 00° 02' 30" East, a distance of 433.23 feet; thence South 00° 05' 47" West, a distance of 224.00 feet to the northerly right-of-way line of Wharf Street, the beginning of a non-tangent 474.84 foot radius curve right (the radius point bears north 05° 29' 03" West); thence on the said northerly right-of-way line of Wharf Street and on said curve through a central angle of 00° 15' 58" (the long curve of which bears South 84° 38' 56" West, a distance of 2.21 feet) an arc distance of 2.21 feet to the end thereof; thence continuing on said northerly right-of-way line of Wharf Street South 84° 46' 55" West, a distance of 382.94 feet to the beginning of a non-tangent 475.00 foot radius curve right (the radius point bears North 13° 27' 13" East); thence on said curve through a central angle of 52° 39' 15" (the long chord of which bears North 50° 13' 09" West, a distance of 421.32 feet) an arc distance of 436.52 feet to the end thereof; thence North 23° 53' 32" West, a distance of 289.34 feet to the beginning of a tangent 300.00 foot radius curve left; thence on said curve through a central angle of 29° 23' 28" (the long chord of which bears North 38° 35' 16" West, a distance of 152.21 feet) an arc distance of 153.89 feet to the end thereof; thence North 53° 17' 00" West, a distance of 55.26 feet to the southerly right-of-way line of Center Street: thence on the said southerly right-of-line of Center Street the following courses: North 81° 24' 42" East, a distance of 874.69 feet; thence North 51° 56' 21" East, a distance of 124.34 feet to the point of beginning, containing 564,053 square feet or 12.949 acres, more or less.

Basis of bearing for this legal description being Survey Number 41-1304 recorded in Curry County Surveyor's Office.



Memorandum

TO: Mayor, City Council
FROM: City Manager Tom Weldon *Tom*
DATE: May 6, 1998
SUBJECT: 3 year agreement with Teamsters Union (Police)



Issue: The labor agreement between the City of Brookings and our Police Officers and Communications Officers expires 6/30/98 and needs to be reauthorized.

Background:

1. Acting Police Chief Sheffel, Sergeant Cooper and I met with the employee's 2 local stewards and their Union representative.
2. The meeting was cordial and efficient. We all agreed a major problem in the department has been recent high turnover primarily as a result of our salaries not being competitive with other Police Departments.
3. The Union membership has ratified this proposed agreement 17-0.
4. The costs associated with this new agreement have already been included in the budget approved by the budget committee.
5. Key changes to our present agreement included in the new agreement are:
 - A. A 5% salary increase, across the board, for both positions as of July 1, 1998, July 1, 1999 and July 1, 2001. Our Police Officer's pay is 15% lower than comparable cities now.
 - B. Changing certification (education) pay from \$300 for Basic, \$450 for Intermediate and \$600 for Advanced certifications - yearly, to 1 1/4% of salary for Basic, an additional 1 1/4% of salary for Intermediate and an additional 2 1/2% of salary for Advanced certification. This would be added to each employee's paycheck every payday. This is in line and the normal method most cities use to encourage education. Certification is earned through the Oregon State Department of Public Safety and Standards based upon college credits, time in the job and specialized Police training hours received. Our employees also have to obtain

either 50 or 100 hours of approved Police related training yearly in order to maintain their certification pay.

- C. Communication Officer's hiring probationary period is changed from 6 months to 12 months, the same as Police Officers.
- D. A Police Dog Handler (K-9 Officer) be given 5% specialty pay to compensate for personal time spent training and grooming dog.
- E. An employee assigned to train a new employee for more than 5 consecutive days would receive a 2 1/2% pay differential during the period of such assignment.
- F. Authorize 1/2 (50%) of accumulated sick leave to be added to retirement benefit calculations. This could cost us up to .7 of 1% of payroll when our PERS formula is reviewed next year. However, since we have very few retirees, our rate could also go down.
- G. Change the contract so any employee who is about to get laid off may use his seniority to "bump" an employee in a lower classification position if that employee is qualified to hold that position. The employee who is doing the bumping would have his salary dropped to the step in the new range closest to the former salary.

Recommendation:

Council authorize City Manager to sign this labor agreement with the changes outlined above. Council authorize City Manager to implement a similar pay increase and certification pay plan for Police Management employees.

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

Not authorize signing of this agreement.

Memorandum

TO: Mayor, City Council

FROM: Tom Weldon, City Manager *Tom*
Leo Lightle, *LBL*
Community Development Department

DATE: May 7, 1998

ISSUE: Certification of Operators



Currently at the Treatment Plants we have the minimum certified operators and barely above the minimum in the Public Works Department to be current with mandatory certified operator requirements.

Because of low pay for this type of work, we have, for several years, had a large turnover in employees at the Treatment Plants. Last year we lost three out of five employees and the previous year we lost three out of five employees. We have not been able to recruit certified, experienced replacements. We have hired uncertified employees with little experience and have had to train employees and encourage them to become certified.

Without a competitive pay scale and pay for certification we are not attracting and retaining certified operators. We need to become competitive in our pay scale and certification pay so that we won't continue to be in a training mode, to only lose those operators once they become certified and experienced.

When our supervisors are training new personnel, they and those employees are not effectively keeping up with preventative maintenance and performing all the work tasks that an experienced work force would be accomplishing. If our Treatment Plants operators were more experienced and certified we probably would not have had the spills or reporting violations we had, which led to our recent DEQ fine.

There are several facets to certification:

- State requires certified personnel be available at all times for wastewater and water systems. This includes wastewater collection, water distribution, wastewater treatment and water treatment.
- To become certified you must pass tests to show knowledge, as well as have time on the job. Employees have to study on their own time.
- To maintain certification a person must attend classes related to this certification. This requirement keeps the certified operator current on approved practices and provides an opportunity to discuss issues with his counterparts in the industry.
- Certified personnel are aware if they violate the state's statutes or rules pertaining to water they could lose their certification. This is an extra incentive for operators to be sure that they are operating under acceptable standards.

The certified operator program has given employers and supervisors a yardstick to measure an employees' all-around knowledge of acceptable work practices as they relate to water and wastewater. We still need to have employees with hands-on experience, but keeping knowledgeable about acceptable and best management practice is needed to operate effectively. Training returns \$9 for every \$1 invested. Cities which encourage and reward certification have a more effective workforce and retain those employees longer.

We need to encourage certification and one good incentive is certification pay. To be certified takes considerable effort and some people do not pass tests, especially the first time. The financial incentive would further encourage those individuals who failed to pass a test to put more effort in studying the material and retesting.

We are proposing a tiered certification pay plan that would compensate individuals who have certification, but more importantly would encourage employees on staff to get certified and to get certified at a higher level. An employee would be compensated 1% per certification level either in water or wastewater, in plant or field operations, with a maximum of 5%. It would be difficult for all employees to reach the maximum certification level as it would take several years for them to get the required experience and pass the required tests. This is essentially the same education pay plan proposed for the Police and Communications officers.

Money is in the budget for this certification pay and the certification pay should apply to management.

Memorandum

TO: Mayor, City Council
FROM: City Manager Tom Weldon *Tom*
DATE: May 7, 1998



Issue: Selling City property near existing Post Office

Background:

1. The U.S. Postal Service is advertising for property in downtown Brookings on which to build a new Post Office, which would combine their 2 Brookings facilities.
2. They need 2 acres, which will be difficult to come up with, at a reasonable price, in downtown Brookings.
3. The block where the main Post Office is now, including the vacant property next to them and our property, that fronts on Railroad Avenue, combined equals 2 acres.
4. The Project Manager for this project is trying to put together deals on these 3 pieces of property to make all this happen. See his attached letter and accompanying materials.
5. Attorney Trew will have the process we have to follow to sell this property in this manner for us at the Council meeting. He will also have comments on the Postal Service's process.
6. While our property will be valuable some day (when the couplet is completed). I believe it is extremely important to the future of our "new downtown" (that property between Chetco and Railroad and 5th and Oak) that the Post Office remain downtown.
7. The land on the other 2 properties in this block have a combined assessed value of \$141,260 and a combined market value of \$169,090.
8. All 3 of these lots are zoned C-3 (General Commercial) and a Post Office is a permitted use.
9. We would need to replace the area on this property where we store materials (rock, pipe, etc.). If this all comes together, I recommend the sales revenue be set aside to purchase property for the city shop and to replace this storage.
10. I have shared all this information with the manager of South Coast Emergency Medical Services.

Recommendation:

Council authorize City Manager, City Attorney and Mayor to take necessary actions to offer the City owned property on Railroad Avenue (tax lot 400 on tax map 41-13-600) to the U.S. Postal Service at a "bona fide, arms length MAI appraised value" as mentioned in Mr. Rainey's letter.

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

1. Not work with the Postal Service to put this deal together.



May 1, 1998

George T. "Tom" Weldon, City Manager
City of Brookings
898 Elk Drive
Brookings, Oregon 97415

Re: City Property Near Existing Post Office

Dear Mr. Weldon:

Thank you for your time on the phone yesterday. This letter will attempt to memorialize same as well as delineate our intentions, process, etc. as relates to providing your community with a new Postal Facility.

As you know, vacant land to accomplish our task is very limited within the "downtown" area of your community. As you are also aware, in order to retain our presence within this area, an assemblage of our existing leased facility as well two adjoining parcels, one owned by the City and one under the jurisdiction of the bankruptcy court will be necessary. If we are unsuccessful in acquiring any one of the three parcels, we will be unable to acquire the remaining two. Needless to say, this needs to be a cooperative effort among all the parties.

As relates to the process, first of all, please be advised that this is something we refer to internally as a "Headquarters" project, which means A) Its' total cost is in excess of \$5,000,000.00, and B) It requires far too much time, i.e. a minimum of six months and it could easily go to ten months.

What we would prefer to see happen, if the City can see its way clear to do it, is to ask you to submit your parcel to us on a document we call an "OFFER TO SELL", a copy of which is enclosed. This is our contractual document wherein a seller commits to sell us a specific parcel for a particular price for a finite period of time. This process is the reverse of private sector practice. The Postal Service is not contractually liable until we accept the Offer, usually toward the end of the offering period. This allows us to accomplish all of our due diligence tasks, plus take the project to 30% design completion. With respect to the offering price, please be advised that the seller can offer at any price they choose, but we will only agree to pay a bona fide, arm's length, MAI appraised value. The time frame in the enclosed offer to sell is set up for 180 days, but understand we may have to extend for some period.

One of your concerns related to your being able to notify the lessee of your parcel, in order to give them as much notice to vacate as possible. Here is how I see it. We tentatively plan on holding our site selection review in Brookings on June 16, 1998. At that time we should know where we stand on all offers. Should this scenario be selected, we would proceed with due diligence and design, which should take about four months. At that time we will hand off our efforts to another group who will package it to be approved first at the Western Area Office, which can take one to two months, depending on when it is submitted. Then, the package will be forwarded to Washington D.C., for Headquarters approval, which can take one to four months. We are not allowed to accept the Offer to Sell until we have Headquarters approval, at which time we are prepared to close promptly. Obviously, that doesn't work for notifying your lessee. While we cannot sign the Offer to Sell early, I'm sure we can give you enough written assurances that you will feel comfortable giving them notice in a timely manner.

I'm sure there are still questions that I have not answered, but at least we have a start. Thank you for your attention regarding this matter, and I look forward to working with you in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Rainey', with a stylized flourish at the end.

Russell E. Rainey, CCIM
Project Manager



OFFER TO SELL PROPERTY AND/OR EXISTING BUILDING

SUBJECT: MAIN POST OFFICE - BROOKINGS, OR 97415-9998

Dear Offeror:

Attached are three copies of the United States Postal Service's Offer to Sell Real Property and related supporting documentation.

If you are interested in granting the United States Postal Service an Offer to **purchase your property**, you are required to provide the following information by **May 15, 1998**.

1. Your "offer" must be presented on the Offer to Sell Real Property contract. All requested information must be complete, with a minimum offer period of 180 days, commencing from the date of the offeror's signature. (Note, after site selection, all noncontending offers will be released.)
2. Each offeror must furnish legal proof of ownership and a legal description of the property. If the property is being offered by an agent or broker, written evidence from the owner must be furnished authorizing the exclusive right of the agent or broker to offer the property.
3. The offeror should include a site drawing, Plat of Subdivision, or site survey and photographs of the offered property.
4. All property owners must sign the Offer to Sell Real Property. In the event property is owned by a Partnership or Corporation, a Partnership Agreement and/or Articles of Incorporation must be included in the proposal, along with the enabling resolution designating who has written authority to enter into this offer with the Postal Service.
5. Two executed copies of the Completed Offer to Sell Real Property and supporting documentation must be returned to the Postal Service. Each Offeror should retain one copy of the "offer" for their future reference.

If you are interested in offering a proposal for an **existing building**, you are required to provide the following information in your proposal package.

1. Offers are to be submitted in letter form. Base your proposal on the "as-is" condition of the facility. Further discussions will clarify terms and conditions.
2. Note, after site selection, all offers will be released with the exception of the selected site.

Offer to Sell Property and/or Existing Building
Brookings, Oregon
Page Two

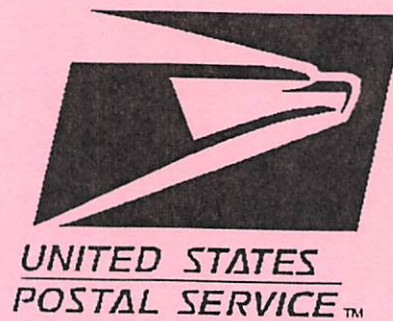
3. Each offeror must furnish legal proof of ownership and a legal description of the property. If the property is being offered by an agent or broker, written evidence from the owner must be furnished authorizing the exclusive right to the agent or broker to offer the property.
4. Each offeror must state in the offer whether or not the premises offered are mortgaged.
5. Building Plans and/or drawing and photographs of the offered property should be included in the proposal package, if available.

Requests for more information should be directed to me at the address, telephone or fax numbers listed below.

Russ Rainey
Project Manager

RER:cmj
g:\acquisit\package\logan.doc

Attachments



**Solicitation for Proposals
Sites or Existing Building**

Solicitation Number 072976-98-A-0153

MAIN OFFICE-BROOKINGS OR 97415-9998

SITE

	No. of Pages
SOLICITATION	2
OFFER TO SELL REAL PROPERTY	4



Solicitation for Proposals Sites Only

Solicitation Number: 072976-98-A-0153

1. Facility Name/Location: BROOKINGS - MAIN OFFICE
BROOKINGS, OR 97415-9998

Date
04/19/1998

2. Submit Proposals to:
RUSSELL E RAINEY
PROJECT MANAGER RE
DENVER FACILITIES SERVICE
8055 E TUFTS AVE #400
DENVER, CO 80237-2881

3. Preferred Area:

NORTH: RANSOM ST EXTENDED F/2ND ST TO CHETCO RIVER
SOUTH: RAILROAD EXTENDED F/ARNOLD ST TO CHETCO RIVER
EAST: CHETCO RIVER
WEST: ARNOLD ST EXTENDED THROUGH 2ND ST TO RANSOM ST

Submit not later than the
close of business on: 05/15/1998

4. The site size desired is approximately 88,357 net usable square feet of land, excluding setbacks, easements, drainage and water retention, septic requirements, and any other unusual conditions affecting land development and use. The optimum site dimensions are 243 feet of frontage by 364 feet of depth.

5. Offerors must own or control the site and must state the price. If the offer is submitted by an agent for the owner, evidence of that agent's exclusive authority to sell the subject site must accompany the offer.

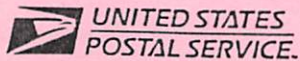
6. Offers should be submitted on USPS OFFER TO SELL and shall provide a minimum of 6 months for acceptance of the offer.

7. The property offered must be properly zoned to permit use for the planned postal facility or must be capable of being rezoned for such use without delay of construction. If a zoning change or replatting is required, the offeror will be responsible for all such actions and the cost thereof. USPS personnel may, if requested by the owner or local officials, attend hearings to present a summary of the interest of the USPS regarding the site. Closing will not take place until all zoning and replatting requirements are met.

8. Sites offered will be evaluated on the basis of location, cost, value, accessibility to customers and transportation networks, availability of utilities, soil conditions, environmental conditions, topographic features and other factors affecting development and use.

9. USPS reserves the right to negotiate with offerors for better terms, clarification of any conditions, modifications, or any other changes deemed necessary; to secure offers on properties other than those offered in response to this solicitation; and/or to reject any and all offers. This is not a sealed solicitation and proposals will not be publicly opened.

10. Proposals should include the following information: The offerors daytime telephone number and address; a plot plan or survey plat that readily identifies the property, its size, dimensions, location of any buildings thereon, abutting streets, alleys, easements and rights of way, and a copy of any applicable building and/or title(deed) restrictions that would affect development of the property. A correct legal description, copy of the current deed and photographs are desired.



Solicitation for Proposals Sites or Existing Building

Facility Name/Location BROOKINGS - MAIN OFFICE
BROOKINGS, OR 97415-9998

Date
04/19/1998

11. Additional information and materials may be obtained by calling the undersigned.

Other Provisions:

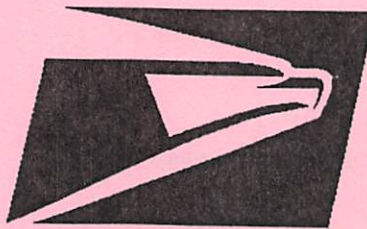
PROPOSALS SHOULD INCLUDE THE FOLLOWING INFORMATION IN THE SUBMITTAL, IN ADDITION TO ANY OTHER REQUESTED INFORMATION:

- SURVEY PLAT THAT READILY IDENTIFIES THE PROPERTY, ITS SIZE AND DIMENSIONS.
- CORRECT LEGAL DESCRIPTION (PLEASE IDENTIFY AS EXHIBIT "A" AND ATTACH TO THE OFFER TO SELL CONTRACT).
- IF THE PROPERTY CONTAINS RECORDED CC&R'S A COMPLETE COPY SHOULD BE PROVIDED WITH THE PROPOSAL.
- OFFERS MUST BE SUBMITTED ON THE UNITED STATES POSTAL SERVICE "OFFER TO SELL REAL PROPERTY" CONTRACT.
- CURRENT ZONING SHOULD BE IDENTIFIED ALONG WITH ALLOWABLE USES.

Signature

Name and Title (Printed) and Telephone No.

RUSSELL RAINEY
PROJECT MANAGER RE
(303) 220-6568



UNITED STATES
POSTAL SERVICE™

Offer to Sell

MAIN OFFICE-BROOKINGS OR 97415-9998



Offer to Sell Real Property

Facility Name/Location

BROOKINGS, OR - MAIN OFFICE (401120-G02)

Project: E39901

The undersigned, hereinafter called the seller, in consideration of mutual covenants and agreements herein set forth, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, hereby makes the irrevocable offer to sell and convey to the United States Postal Service and its assigns, the fee simple title to the following described land, with the buildings and improvements thereon, hereinafter referred to as "land", and all rights, hereditaments, easements and appurtenances thereunto belonging, and legally described as follows:

subject to the following rights outstanding in third parties:

Excepting and reserving to the seller the following rights and interests:

The terms and conditions of this offer are as follows:

1. The seller agrees that this offer may be accepted by the United States Postal Service through any duly authorized representative, by delivering, mailing or telefaxing a notice of acceptance to the seller at the address stated below, at any time within 180 calendar days from the date hereof, whereupon this offer and the acceptance thereof become a binding contract.
2. The Postal Service agrees to pay the seller for said land the sum of \$ _____ payable upon approval by the Postal Service of the seller's title and execution and delivery by the seller of a good and sufficient general warranty deed conveying said land with the hereditaments and appurtenances thereunto belonging to the United States Postal Service and its assigns, in fee simple, free and clear from all liens and encumbrances, except those specifically excepted or reserved above, together with all right, title, and interest of the seller in and to any streams, alleys, roads, streets, ways, strips, gores, or railroad rights-of-way abutting or adjoining said land.
3. It is agreed that the Postal Service will defray the expenses incident to the recordation of the deed to the Postal Service and the procurement of the necessary title evidence.
4. The seller agrees that all taxes, assessments, and encumbrances which are a valid lien against the land as of the time of conveyance to the Postal Service shall be satisfied of record by the seller at or before the transfer of title and, the seller, will, at the request of the Postal Service and without prior payment or tender of the purchase price deliver the general warranty deed to the Postal Service and obtain and record such other curative evidence of title as may be required by the Postal Service. If the seller fails to satisfy any such liens or fails to secure such curative evidence as required within sixty (60) days of acceptance of this offer by the Postal Service, the Postal Service may pay said liens

and cure such defects and deduct any cost incurred from the purchase price of the land. Real Estate taxes for the current year, utilities and rents, if applicable, are to be pro-rated as of the date of closing.

5. The seller agrees that loss or damage to the property by fire or acts of God shall be at the risk of the seller until the title to the land and deed to the Postal Service have been accepted by the Postal Service through its duly authorized representative or until the right of occupancy and use of the land, as hereinbelow provided for, has been exercised by the Postal Service; and, in the event that such loss or damage occurs, the Postal Service may, without liability, refuse to accept conveyance of the title or it may elect to accept conveyance or title to such property, in which case there shall be an equitable adjustment of the purchase price.
6. The agents, employees or representatives of the Postal Service shall have the right, during the period of the offer, subject to the use made of the premises by the seller to enter upon the said premises for the sole purpose of inspecting the same and making test borings, plans and topographical surveys in connection with the Postal Service's contemplated use of the premises. The Postal Service, at its expense shall promptly restore the property of the seller to its original condition in accordance with good engineering practices.
7. Possession of the property shall be delivered to the purchaser on the day the sale is consummated unless a different possession date is herein specified.
8. The seller agrees not to rent, lease or otherwise increase tenancy on any portion of the property subsequent to execution of this Offer to Sell Real Property.
9. It is agreed that the spouse, if any, of the seller, by signing below, agrees to join in any deed to the Postal Service and to execute any instrument deemed necessary to convey to the Postal Service any separate or community estate or interest in the subject property and to relinquish and release any dower, curtesy, homestead, or other rights or interests of such spouse therein.
10. No member of or delegate to Congress may be admitted to any part or share of this option, or to any benefit arising from it. This prohibition does not apply to the extent this option is with a corporation for the corporation's general benefit.
11. Contingent Fees:
 - a. The seller warrants that no person or selling agency has been employed or retained to solicit or obtain this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the seller for the purpose of obtaining business.
 - b. For breach or violation of this warranty, the Postal Service has the right to annul this contract without liability, or at its sole discretion, to deduct from the contract price or consideration, or otherwise recover from seller the full amount of the commission, percentage, brokerage fee, or contingent fee.
 - c. Licensed real estate agents or brokers having listings on property for sale, in accordance with general business practice, and who have not obtained such licenses for the sole purpose of effecting this offer, may be considered as bona fide employees or agencies within the exception contained in this clause.
12. The terms and conditions aforesaid are to apply to and bind the heirs, executors, administrators, successors, and assigns of the seller.
13. The seller agrees that the Postal Service may acquire title to said land by condemnation or other judicial proceedings, in which event the seller agrees to cooperate with the Postal Service in the prosecution of such proceedings; agrees that the consideration hereinabove stated shall be the full amount of the award of just compensation, inclusive of interest, for the taking of said land; agrees that any and all awards or just compensation that may be made in the proceeding to any defendant shall be payable and deductible from the said amount.
14. Seller warrants that as of the date of this offer and of transfer of title, except as specifically identified in this agreement, (1) the property (including the land, surface water, groundwater, and improvements to the land) is free of all contamination from petroleum products or any hazardous substance or hazardous waste, as defined by applicable state or federal law, and (2) there are no underground storage tanks or associated piping on the property. This warranty survives transfer of title and shall be binding upon seller, its successors and assigns.

15. All terms and conditions with respect to this offer are expressly contained herein and the seller agrees that no representative or agent of the Postal Service has made any representation or promise with respect to this offer not expressly contained herein.

16. Seller warrants that legal title is held as follows: (Show whether joint tenants, tenants in common, tenants by the entirety, etc.)

17. The following paragraphs were added or deleted before execution:



Offer to Sell Real Property

Date: _____

Print Sellers Name*

Signature _____

Print Sellers Name*

Signature _____

Print Sellers Name*

Signature _____

Print Sellers Name*

Signature _____

Print Sellers Name*

Signature _____

Print Sellers Name*

Signature _____

Print Sellers Name*

Signature _____

Print Sellers Name*

Signature _____

Notice of acceptance of this offer to be sent to:

Seller: Address:

Telephone No:

Taxpayer ID:

Witness to Seller**

Witness to Seller**

* All individuals or co-owners must sign. If married, the spouse also must sign. If unmarried, the owner's legal marital status must be indicated. If the property is owned by a partnership, all partners must sign or if a limited partnership, the general partner(s) must sign. If the property is in an estate or owned by a corporation, evidence of authority of the signatories must accompany the option.

**This space will be used for witnesses to signatures if required by State law.

Acceptance of Offer To Sell Real Property

Date: _____

The offer of the Seller contained herein is hereby accepted for and on behalf of the United States Postal Service.

Print Name and Title of Contracting Officer

Signature of Contracting Officer

Print Address of Contracting Officer

Memorandum

TO: Mayor, City Council

FROM: Leo Lightle, *LB*
Community Development Department

THROUGH: Tom Weldon, City Manager *Tom*

DATE: May 6, 1998



Issue: Awarding the contract for Schedule A-Highway 101 between Crissey Circle and Parkview Drive Waterline Improvements.

Recommendation: The City Council award the contract for Schedule A: Basic bid, Alternate No. 1 and Alternate No. 2 to B & B Excavation in the amount of \$70,206.09.

Background: The City Council authorized the calling for bids on the Schedule A-Highway 101 between Crissey Circle and Parkview Waterline Improvements. The city called for bids and open them April 20. Low bidder was B & B Excavation in the amount of \$70,206.09.

Bids were as follows:

B & B Excavation	\$70,206.09
Freeman Rock Enterprises	\$82,907.06
Johnson Rock Enterprises	\$86,721.10

The engineer's estimate was \$55,950.

Memorandum

TO: Mayor, City Council

FROM: Leo Lightle, *LBL*
Community Development Department

THROUGH: Tom Weldon, City Manager *Tom*

DATE: May 6, 1998



Issue: Awarding contract for Schedule B–Mill Street between Cottage and Highway 101 and Hemlock between Oak and Fern.

Recommendation: The City Council award the contract for Schedule B–Mill Street between Cottage and Highway 101 and Hemlock between Oak and Fern to Johnson Rock Products in the amount of \$59,609.64.

Background: The City Council authorized calling for bids on Schedule B–Mill Street between Cottage and Highway 101 and Hemlock between Oak and Fern. The city called for bids and opened them on April 20. Low bidder was Johnson Rock Products for \$59,609.64.

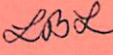
Bids were as follows:

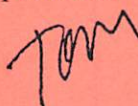
Johnson Rock Products	\$59,609.64
B & B Excavation	\$59,794.11
Freeman Rock Enterprises	\$63,465.50
John Rapraeger	\$78,847.25

The engineer's estimate was \$54,745.

Memorandum

TO: Mayor, City Council

FROM: Leo Lightle, 
Community Development Department

THROUGH: Tom Weldon, City Manager 

DATE: May 6, 1998



Issue: Awarding contract for Exterior Reconditioning of the 1.5 Million Gallon Steel Water Storage Reservoir.

Recommendation: The City Council award the bid to S.K. Painting, Inc. in the amount of \$51,000 if no lead is contained in the existing paint, and in the amount of \$85,250 if lead is contained in the existing paint; and grant authority to the City Manager to sign the contract.

Background: The City Council authorized calling for bids on this project. We advertised the project and opened bids on May 5. It appears that lead is present in the existing paint and therefore we will get more tests to confirm or deny the presence of lead. If lead is present the old paint has to be handled and disposed of as a hazardous substance.

We are asking the Council to authorize signing the contract as if there is or is not lead present. The contract itself will only have one number but the test results on the paint will not be available until the end of the week of May 11 to May 15.

Bids were:	Existing Paint non lead-based	Existing Paint lead-based
SK Painting, Inc.	\$51,000	\$ 85,250
F.D. Thomas	\$87,250	\$115,000

CITY OF BROOKINGS
COUNCIL STUDY SESSION MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
April 20, 1998
7:00 pm

I. CALL TO ORDER

Mayor Brendlinger called the meeting to order at 7:03 pm.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Council Present: Mayor Nancy Brendlinger, Councilors Larry Curry, Dave Ham, Ex-officio Shiloh Thom

Council Absent: Keith Pepper, Bob Hagbom

Staff Present: City Manager Tom Weldon, Community Development Director Leo Lightle, Planning Director John Bischoff, Secretary Denise Bottoms

Media Present: Martin Kelley, KCRE

IV. DISCUSSION REGARDING THE TRANSPORTATION GROWTH MANAGEMENT STUDY

Planning Director John Bischoff explained where the Transportation Growth Management Study came from. A grant from TGM, which is composed of ODOT and the Department of Land Conservation and Development, was obtained for this study. The primary focus of this project pertains to infill (encourage development of large lots in an R-1 zone with a minimum square footage of 6,000) and redevelopment (including downtown commercial areas).

Mayor Brendlinger requested that redevelopment be included in a study to be the downtown study to be addressed by a committee chosen specifically for the downtown core, a Council goal.

INFIL RECOMMENDATIONS:

John explained the concept of tandem flag lots (Exhibit I) and the disadvantages to this approach. The recommendation would allow an additional lot to be partitioned from the original lot with a minimum 15' wide private driveway. The driveway would be owned and maintained by lots 2 and 3. Staff is not necessarily in favor of this change. Mayor Brendlinger noted that in hillside development this may not be a problem. Councilor Ham expressed the feeling that the city plan should be looked at in regards to keeping Brookings as a rural atmosphere rather than a high density area.

Exhibit II was explained as a second unit on a single family lot that can be rented out as a second single family residence (granny flat) as opposed to the "guest house" in the current code which does not have kitchen facilities and cannot be rented out. Staff is recommending no change to the existing code.

Duplexes on corner lots (Exhibit III) are not allowed in the code at this time. This change would allow duplexes on corner lots as long as they had a driveway off each street and a minimum lot size of 7,500 square feet. The TGM committee recommended this change, but the Planning Commission felt that this was not a good idea and rejected it.

The fourth recommendation was for row houses (Exhibit IV). They are not currently permitted, but would be permitted by conditional use with 4000 square foot lots with conditions if the recommendation was accepted. The Planning Commission and staff did not feel that this was a good idea and rejected it.

Exhibit V would limit the R-3 zone to duplexes and multi-family units. The current code also allows single family homes in this zone. The TGM Committee rejected this recommendation, however, staff supports and recommends this change because we have very limited R-3 zones and we need more affordable housing which means multi-family units. The only concern would be if the family bought a small R-3 lot with the intent of building a single family home on it 5 years in the future, and future codes would not allow it. Staff recommends adopting this change with modifiers in the language which would solve this problem so that the original owner could build on it when they chose to.

Shadow platting was shown in exhibit VI, which currently only applies to the Dawson Tract area. The recommended change would encourage or require shadow platting wherever proposed density is significantly less than planned density. This change was rejected by all parties.

Redevelopment will be addressed in the future, so the Council did not see the need to go into detail on it at this time. The infill issues will be addressed by the Council at the second meeting in May.

Lorraine Kuhn, who worked on the TGM Committee, said that she is anxious to see results from this study since so much time and expense has been spent on this project.

V.

ADJOURNMENT

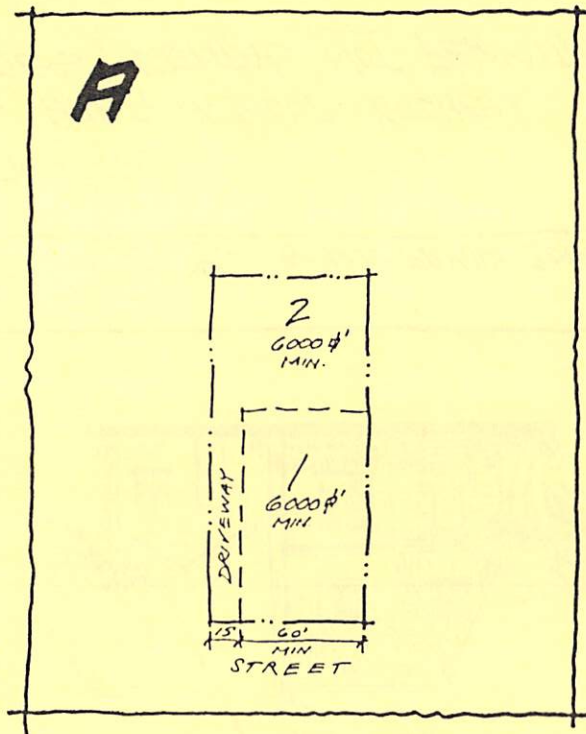
The study session adjourned at 8:05 pm.

ATTEST:

Nancy Brendlinger
Mayor

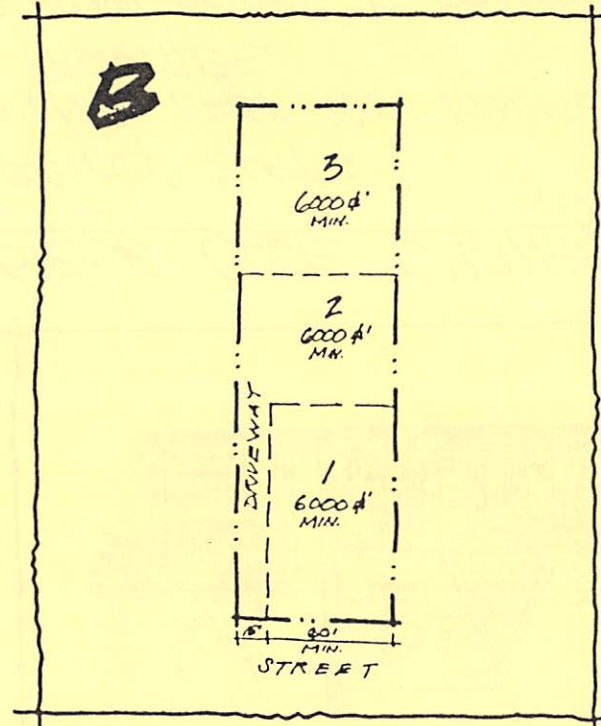
Beverly Adams
Finance Director/Recorder

REAR LOT DEVELOPMENT (FLAG LOT)



EXISTING CODE (EX: R-1-G ZONE)

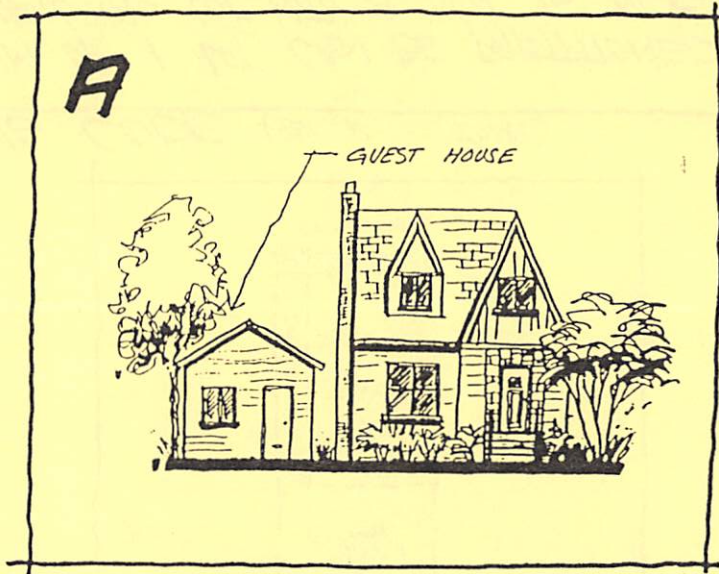
- MAXIMUM OF 1 LOT CAN BE PARTITIONED FROM ORIGINAL LOT WITH A MIN. 15' WIDE PRIVATE DRIVEWAY — EACH LOT MINIMUM 6000 SQ. FT.
- DRIVEWAY OWNED & MAINTAINED BY LOT 2



POSSIBLE CODE CHANGE (EX: R-1-G ZONE)

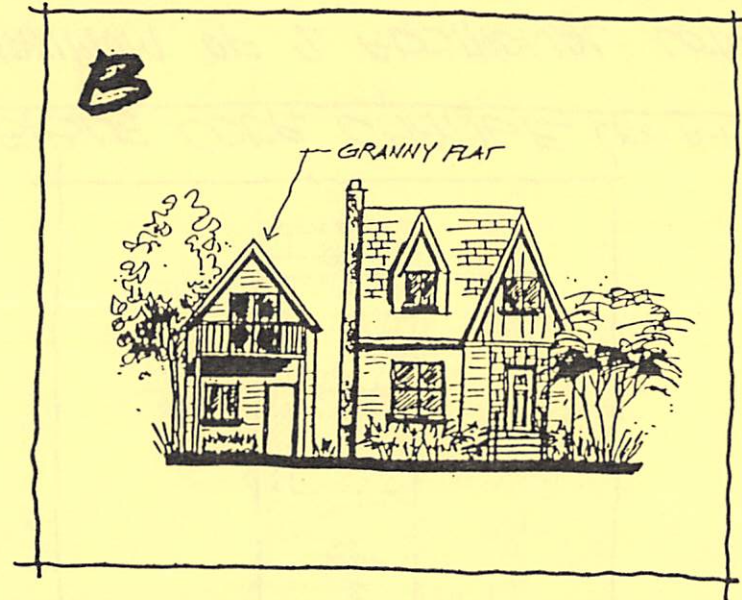
- MAXIMUM OF 2 ADDITIONAL LOTS
- DRIVEWAY OWNED & MAINTAINED BY LOTS 2 & 3

ACCESSORY LIVING UNITS



EXISTING CODE (SINGLE FAMILY ZONES)

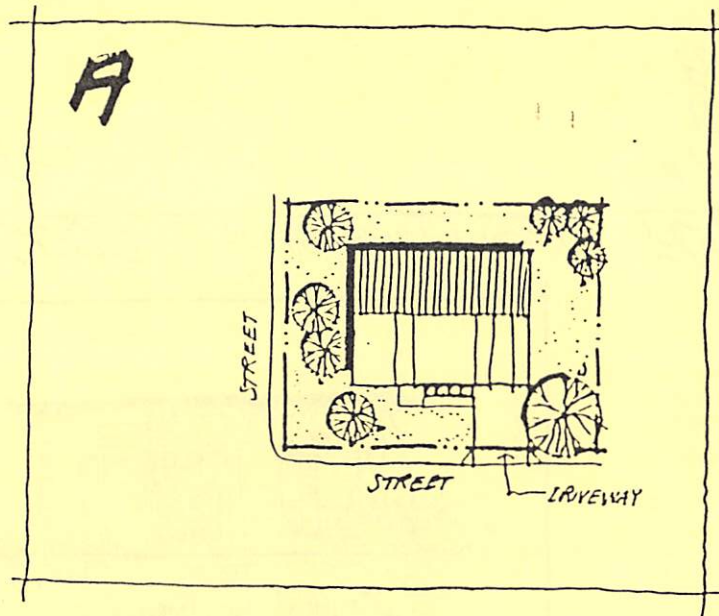
- GUEST HOUSE :
 - LIVING AREA WITHOUT KITCHEN FACILITIES; RENTAL NOT PERMITTED.



POSSIBLE CODE CHANGE

- GRANNY FLAT : (SINGLE FAMILY ZONES)
 - LIVING AREA WITH MINIMUM KITCHEN FACILITIES
 - ALLOW RENTAL IF PRIMARY DWELLING UNIT IS OWNER OCCUPIED

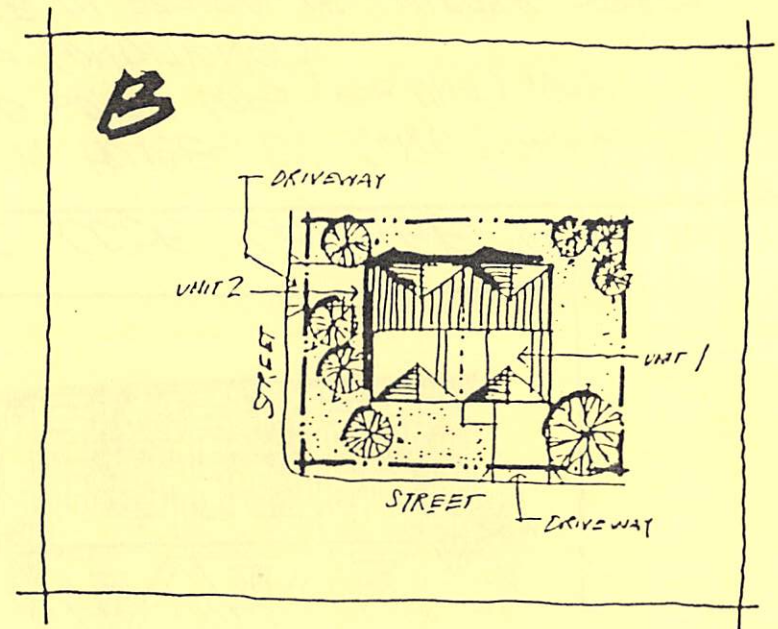
DUPLEX ON CORNER LOT



EXISTING CODE

(EXAMPLE: R-1-U ZONE)

SINGLE FAMILY DWELLINGS PERMITTED
(NO DUPLEXES)



POSSIBLE CODE CHANGE

ALLOW DUPLEXES ON CORNER LOTS
WITH:

- DRIVEWAY OFF EACH STREET
- MINIMUM OF 7,500 SQ. FT. LOT SIZE

ROW HOUSES

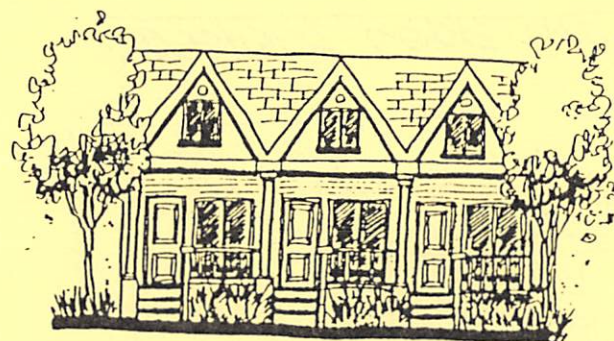
A



EXISTING CODE (SINGLE FAMILY ZONES)

- NOT PERMITTED

B



POSSIBLE CODE CHANGE (R-1-G ZONE)

- ALLOW ROW HOUSES BY CONDITIONAL USE WITH 4000 SQ. FT. LOTS (PER UNIT) WITH FOLLOWING CONDITIONS:
 - FRONTAGE ON ARTERIAL OR COLLECTOR STREET
 - MAXIMUM 1 BLOCK PER DEVELOPMENT
 - 40' MINIMUM LOT WIDTH
 - COMMON WALL CONSTRUCTION PERMITTED

MULTI-FAMILY RESIDENTIAL



A

RESIDENTIAL (SINGLE FAMILY)



A

DUPLEX



A

MULTI-FAMILY (APARTMENTS)

EXISTING CODE

- THIS ZONE ALLOWS SINGLE FAMILY HOMES & DUPLEXES AS WELL AS MULTIPLE FAMILY DWELLINGS



B

DUPLEX



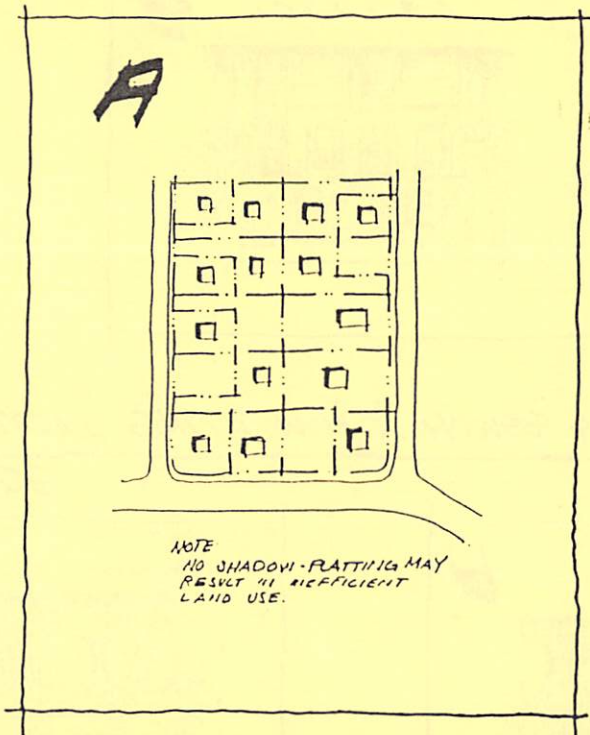
B

MULTI-FAMILY (APARTMENTS)

POSSIBLE CODE CHANGE

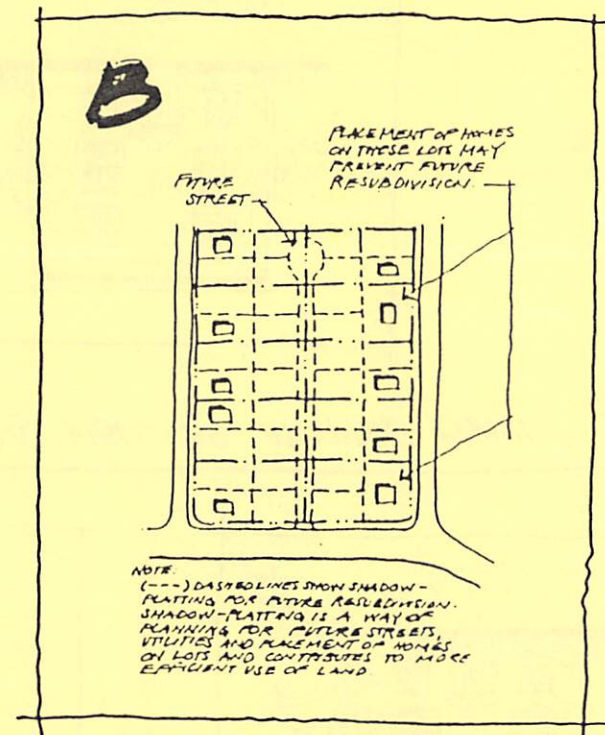
- LIMIT USE OF MULTIPLE FAMILY ZONE TO MULTIPLE FAMILY & DUPLEX UNITS ONLY;
PROHIBIT SINGLE FAMILY.

SHADOW PLATTING



EXISTING CODE

- APPLIES ONLY TO DAWSON TRACT



POSSIBLE CODE CHANGE

- TO ENCOURAGE OR REQUIRE WHEREVER
PROPOSED DENSITY IS SIGNIFICANTLY
LESS THAN PLANNED DENSITY

CITY OF BROOKINGS
COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
April 27, 1998
7:00 pm

I. CALL TO ORDER

Mayor Brendlinger called the meeting to order at 7:02 pm.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Council Present: Mayor Nancy Brendlinger, Councilors Larry Curry, Bob Hagbom, Dave Ham, Ex-officio Shiloh Thom

Council Absent: Councilor Keith Pepper

Staff Present: City Manager Tom Weldon, Community Development Director Leo Lightle, Secretary Denise Bottoms

Media Present: Chuck Hayward, Curry Coastal Pilot; Joyce Tromblee, KURY; Martin Kelley, KCRE

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

A. "Fitness Day in Brookings" Proclamation

Mayor Brendlinger proclaimed May, 1998 as "Physical Fitness and Sports Month in Brookings" and May 20, 1998 as "Fitness Day in Brookings".

B. "Poppy Day" Proclamation

A proclamation was presented to Maria Savedras of the American Legion by Mayor Brendlinger proclaiming May 1, 1998 as "Poppy Day". Maria explained the efforts of the Legion in regards to Poppy Day. George Cummings introduced Bill Boyer, Ray Garcia and himself to the Council and expressed their appreciation for the Council's support.

C. "Letter Carriers' Food Drive Day" Proclamation

Mayor Brendlinger read a proclamation for "National Association of Letter Carriers' National Food Drive Day in Brookings" which is May 9, 1998 and gave the proclamation to Cleo Curtis Reiling who explained the food drive.

V. PUBLIC HEARINGS

None

VI. SCHEDULED PUBLIC APPEARANCES

None

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

A. Committee and Liaison Reports

1. Parks and Recreation Commission - None
2. Chamber of Commerce

Les Cohen reported the Chamber Board of Directors held their planning retreat and shared their goals for fiscal year 1998/99 with the Council.

3. Council Liaisons

Larry Curry met with local students, Elisha Smith and Erik Andreason, on Saturday as they started their project to paint signs on sidewalks requesting that no chemicals be put in the storm drains.

Mayor Brendlinger attended the mythical City of Brookings-Harbor "Honorary Mayor" fund raising campaign kick off, of which proceeds will go to the Youth Association.

B. Unscheduled

VIII. STAFF REPORTS

A. City Manager

1. AIRS System Computer Equipment - award bid

Councilor Ham moved, Councilor Curry seconded and the Council voted unanimously to award the bid for AIRS System Computer Equipment to Woods Computers in the amount of \$20,515.33 including the handwritten amendments as presented on Woods's bid sheet.

2. Liquor license requests

Councilor Hagbom moved, Councilor Curry seconded and the Council voted unanimously to grant a liquor license to Beachcombers and the liquor license renewal to The Local Market.

3. Chetco Point General Plan

Craig Mickelson and Don Higginson of Parks and Recreation Commission pointed out some highlights of this plan for the Council.

Councilor Ham moved, Councilor Curry seconded and the Council voted unanimously to accept the Chetco Point General Plan as submitted with staff's memo to be a part of this Plan.

4. Change May 25 meeting to the 26th

Mayor Brendlinger moved, Councilor Ham seconded and the Council voted unanimously to change the Council meeting of May 25 to May 26, 1998.

B. Community Development

1. Amendment to Brown and Caldwell's engineering services contract

Mayor Brendlinger moved, Councilor Curry seconded and the Council voted unanimously to authorize the City Manager to sign Amendment 2 of the existing Brown and Caldwell contract contingent on clearing up item #1C of the items listed to be deleted and authorize the Mayor and City Manager to sign the amendments as noted.

2. Application for the 1999 Special City Allotment Program Grant: Continuation of Oak Street Project

Councilor Ham moved, Councilor Curry seconded and the Council voted unanimously to select the continuation of the Oak Street Project for the Special City Allotment Grant for \$25,000 and authorize the Mayor and City Manager to sign the necessary documents for the application.

Councilor Ham moved, Councilor Hagbom seconded and the Council voted unanimously to adopt Resolution No. 98-R-633.

IX.

CONSENT CALENDAR

- A. Approval of Council Meeting Minutes
 1. Minutes of April 13, 1998 Regular Council Meeting
- B. Acceptance of Commission/Committee Minutes
 1. Minutes of March 3, 1998 Regular Planning Commission Meeting
 2. Minutes of March 26, 1998 Regular Parks and Recreation Commission Meeting

(end Consent Calendar)

Councilor Hagbom moved, Councilor Ham seconded and the Council voted unanimously to approve the consent calendar.

X. ORDINANCES/RESOLUTIONS/FINAL ORDERS

None

XI. REMARKS FROM MAYOR AND COUNCILORS

A. Mayor - None

B. Council - None

XII. ADJOURNMENT

Councilor Curry moved, Councilor Hagbom seconded and the Council voted unanimously to adjourn at 8:05 pm.

ATTEST:

Nancy Brendlinger
Mayor

Beverly Adams
Finance Director/Recorder

BUILDING DEPARTMENT ACTIVITIES SUMMARY

For Month of April, 1998

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
5	Single Family Dwelling	\$2,762.00	\$1,555.48	\$138.10	\$22,535.00	\$759,362.00	13	\$2,160,930.20	17	\$2,363,424.82
3	Single Family Addition	\$339.00	\$219.35	\$16.95	\$0.00	\$52,430.00	12	\$152,154.20	6	\$57,976.00
2	Single Family Garage-Carport	\$131.26	\$81.26	\$6.56	\$0.00	\$12,982.60	6	\$52,424.08	3	\$90,949.00
0	Two Family Residential	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	1	\$210,000.00	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	3	\$123,003.66	0	\$0.00
1	Commercial Addition-Change	\$1,048.00	\$681.20	\$52.40	\$0.00	\$345,339.25	7	\$401,586.25	9	\$261,692.00
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	2	\$15,000.00
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	2	\$6,700.00
11	Total Building Permits	\$4,280.26	\$2,537.29	\$214.01	\$22,535.00	\$1,170,113.85	42	\$3,100,098.39	40	\$2,795,741.82
6	Mechanical Permits	\$162.00	N/A	\$8.10		N/A	25		24	
6	Plumbing Permits	\$285.60		\$14.28	\$0.00	N/A	18		19	
1	Manufactured Home Permits	\$105.00		\$5.25	\$4,467.00	N/A	5		1	
24	TOTAL PERMITS	\$4,832.86	\$2,537.29	\$241.64	\$27,002.00	\$1,170,113.85	90	\$3,100,098.39	84	\$2,795,741.82
	Total Year to Date Calculated Fees	\$14,220.46	\$7,604.11	\$711.00	\$76,139.00					
	1997 YTD Calculated Fees	\$13,659.40	\$6,944.09	\$682.98	\$94,807.70					

In March, 1998 Harbor issued permits for 0 EDUs.

During the Month of April, 1998, Brookings issued permits for 6.00 new sewer connections. The City of Brookings now has 202.14 EDU Units connected to the Brookings Wastewater System since the signing of the MAO.