



# MINUTES

## CITY OF BROOKINGS COMMON COUNCIL MEETING

Brookings City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon

April 27, 1992

7:00 p.m.

### **I. CALL TO ORDER**

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

### **II. PLEDGE OF ALLEGIANCE**

### **III. ROLL CALL**

**Council Present:** Mayor Fred Hummel, Councilors Nancy Brendlinger, Mary Jane Brimm, Larry Curry, Tom Davis

**Staff Present:** Community Development Director Leo Lightle, Planning Director John Bischoff, Finance Director/Recorder Beverly Shields

**Media Present:** Bill Schlichting, Curry Coastal Pilot; Larry Goodman, KCRE; Marge Barrett, KURY

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

#### **1. Proclamation - Youth Week**

Mayor Hummel proclaimed the week of May 3 - 9, 1992 as "Youth Week" to honor America's Junior Citizens for their accomplishments. Chuck Moore from the Brookings Elks Lodge was present to receive the proclamation.

#### **2. Town Hall Meetings**

Mayor Hummel announced that town hall meetings would be held on April 30 and May 13 in the high school auditorium to discuss the upcoming bond issue on the May 19, 1992 election ballot.

**V.**

**PUBLIC HEARINGS**

**1. Annexation - File No. ANX-1-92 - Applicant South Coast Lumber Company**

**Planning Director John Bischoff advised that the applicant's property is a 10.81 acre parcel of land located adjacent to the northerly boundary of the city limits at the north end of Third Street. The parcel is bounded on the west and north by Ransom Creek and on the east by privately owned property which is also outside of the city limits. Brooke Lane, which is in the city limits and extends between Third Street and Fifth Street, forms the southerly boundary for the easterly 405 feet of the subject parcel which also extends 680 feet west of Third St. Brooke Lane was built as a portion of the Claron Glen and Meadow View Subdivisions. Third Street was extended north of Hassett Street to the city limits as a part of the Claron Glen Subdivision.**

**The subject property is zoned R-2 (Residential-Two) by the county and is currently vacant. The county area surrounding the property is zoned R-2 and is developed with residential uses on large lots. The areas adjacent to the west and north side of Ransom Creek contain large lots on steep slopes and are vacant. Further north and west the slopes become less steep and residential densities become higher. The airport is to the north and east of the subject site. The area to the east of the property is one vacant 56 acre parcel. There is one residence outside of the city limits on a 4.34 acre parcel at the north end of Fifth Street. The area south of the subject parcel and in the city limits is zoned R-1-6 and R-1-10 and has been developed with large single family lots in the Meadow View, Brookings Meadow, Hillcrest and Claron Glen Subdivisions and are beginning to build out. The Claron Glen Subdivision was approved in 1990 and the first phase, which extends from the Brookings Meadow Subdivision on the east to one tier of lots on the west side of Third St., is beginning to develop at this time. The final plat for the second phase of Claron Glen, which extends west of the first phase, and adjoins the westerly 600 feet of the southerly boundary of the subject parcel, has not been approved as of this report (See Exhibit 1). This phase of the Claron Glen Subdivision would extend Brooke Ln. westerly to connect with another new street to be named Timberline which extends north from Hassett St.**

The topography of the subject parcel varies from almost flat with gentle slopes along Brooke Lane to very steep slopes dropping into Ransom Creek. At a point approximately 120 feet north of Brooke Lane the property begins to drop steeply, flattens somewhat in the center then drops again into Ransom Creek. Except for the area immediately adjoining Brooke Ln., the easterly 1/3 of the property is topographically isolated with slopes averaging 34% or greater. This area does contain one flat area on the top of a small ridge which may be accessed from the east and developed with one or two houses.

The center of the subject parcel could be developed with 7 or 8 lots on slopes ranging from approximately 14% to 37%. This area could be accessed with a cul-de-sac which would be an extension of Timberline Dr. which is a part of the second phase of the Claron Glen Subdivision. From the center area, the parcel drops steeply into Ransom Creek with slopes of greater than 50% in some areas. There is a steep ravine which separates the flatter center area from the easterly 1/3 of the parcel.

If the property is annexed into the city the applicant will submit an application for a subdivision for at least four lots along the northerly side of Brooke Lane. Since the one year extension for the second phase of Claron Glen is likely to expire before the final plat can be submitted for approval, the applicant may submit another new subdivision application which will reinstate the second phase of Claron Glen and include seven or eight lots on the center portion of the newly annexed parcel.

## **ANALYSIS**

### **I. Comprehensive Plan/ Land Development Code**

Before making a recommendation to the City Council concerning this request for annexation the Planning Commission must evaluate the application and determine if the proposed annexation petition will represent a potential negative or adverse impact upon the citizens of Brookings, either financially or in terms of the livability of the community. This determination will be based on the following criteria and on the impact analysis submitted by the applicant.

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

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

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

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

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

**The applicant has submitted a document with a written statement addressing each of the above criteria (attached). Staff will supplement or refute each of these statements as deemed appropriate or necessary.**

**Criterion A. As indicated in the applicants statement the property is located with in the Urban Growth Boundary and does represent a logical extension of the city limits. Although the property is steep and only about 1/3 of the property can be developed, it must be noted that any annexation of property along the northerly city boundary will, by necessity, include steep hillsides that may hold no possibility of development to avoid creating unincorporated islands. The subject property does have the ability to support development similar to the existing adjacent development in both density and nature.**

**Criterion B.** This statement should include the understanding that the granting of the proposed annexation does not guarantee the applicant or his successors water and/or sewer service at the time the property should develop. The availability of these services is totally dependent on the city's capacity to provide the service at the time development occurs and will be granted on a first come first serve basis.

**Criterion C.** Staff agrees with the applicant's statement.

**Criterion D.** The initial statement in the applicant's statement is correct, the city is approaching the point when there will no longer be large tracts of developable land within the city limits. The Marina Heights area is constrained by rather steep hillsides and a lack of sewer mains but will support large lot development. The primary constraint affecting the Dawson Tract area is the lack of a street system that will support development at a level allowed by the underlying zone. Although it is extremely steep in some areas and development can only feasibly occur on approximately 1/3 of the property, the subject property is one of the few larger parcels that is adjacent to the city limits which contains any amount of developable vacant land and can be provided all city services in an economic manner.

The city's most urgent residential need is for land suitable for the development of low and moderate income housing and the subject parcel does not fall into that category due to the construction cost necessary to develop the property. The city does, however, have an ongoing demand for higher income homes which this parcel will help meet.

**Criterion E.** Staff agrees with the applicant's statement.

## **II. Impact Analysis**

Section 148.040 requires the applicant to submit an analysis of all potential impacts that may result from the annexation, including the following items:

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

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

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

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

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

**The applicants response to these potential impacts is also in the attached document and the following discussion contains staff's comments on each of these items.**

**Impact A. The applicant should also be aware that, as stated above, the city is approaching the working capacity of the wastewater treatment plant and sewer connections are not guaranteed. Street improvements will be the responsibility of the applicant at the time development occurs on the property.**

**Impact B. Discussion with the applicant's representative indicates that the term "utilities" includes water, sewer and drainage facilities. Since they were not mentioned specifically, and at the time of development on the site the applicant would be responsible for the extension and construction of these facilities, staff wanted assurance that they were indeed included in the applicant's figures.**

**The annexation and future development of this property will provide the first segment of a potential easement for a high level water main to the airport which area.**

**Impact C. Staff agrees with this statement.**

**Impact D.** The subject property is bounded on the north and west by Ransom Creek which, with its steep canyon, effectively isolates the parcel from adjoining property on those sides. Development on the property will be very similar to that on the Claron Glen Subdivision which is in the city to the south and also in the same ownership (except for those lots which have been sold). It is staff's opinion that this annexation would have no significant impact on adjoining property either in or outside of the city.

**Impact E.** Staff agrees with the applicant's statement. However, if, as mentioned in the applicant's response to Impact D, it is possible to extend a street through the property to the easterly boundary, the applicant should consider this possibility when they submit the development plans for the parcel. Staff will work with the applicant's representatives concerning this possibility at the time development plans are submitted.

It is staff's opinion that the proposed annexation is logical and practical. At this time the only place that the city limits can expand into is along the northerly boundary. As stated above, there are few remaining large areas within the city limits that are suitable for even large lot residential densities and the proposed annexation is the first of what may be many such requests. Actually much of the land in the UGB north of the city is currently developed at densities which even if annexed would not provide vacant land for the city to grow into. This is the reason that the city is currently pursuing the expansion of the Urban Growth Boundary.

Due to the topography of the site, staff is recommending that the R-1-10 (Single Family Residential, 10,000 sq. ft. minimum lot size) be placed on the property if the annexation is approved. This zoning would allow the maximum use of the site and still provide insurance that future lots will have adequate space for building pads. Staff will require a geological report when a development plan is submitted for the site.

The section of the applicant document entitled Description of Request, contains reference to natural gas lines and the Northwest Natural Gas Company. When asked about this reference, the applicants representative indicated that this was an error and was not sure how the statement found its way into the document. There is no proposal to provide natural gas service to the property.

## **FINDINGS**

- 1. The applicant is requesting the annexation of 10.81 acre parcel of land into the city limits.**
- 2. The southerly boundary of the subject property is adjacent to the existing city limits and is in the Urban Growth Boundary.**
- 3. The subject property is zoned R-2 (Residential Two) by the county and is designated as Low Density Residential by the County Comprehensive Plan.**
- 4. The topography of the subject property contains slopes ranging from 11% along the southeasterly portion of the property to greater than 50% along the Ransom Creek canyon.**
- 5. Ransom Creek forms the westerly and northerly boundary of the subject property.**
- 6. The property adjacent to the easterly boundary of the subject property is also in the county and is in related ownership.**
- 7. The subject property fronts on Brooke Lane for a distance of 465 feet along the easterly portion of the southerly boundary. The remaining 622 feet is adjacent to the approved but unrecorded portion of the Claron Glen Subdivision which is also owned by the applicant.**
- 8. Water and sewer lines exist in Brooke Lane and in Third St. adjacent to the subject property. Electrical, telephone and cable TV lines are also located in Brooke Lane and Third St.**
- 9. The City Police and Fire Departments have indicated that the proposed annexation will not significantly impair the ability to provide these services to the site or other areas of the city.**
- 10. Vacant single family residential property of greater than 10 acres in size within the city limits exist in only two areas of the city. One of these areas has average slopes of greater than 25% and the other consists of many lots in different ownership and lacks adequate streets and roads to facilitate development.**

## **CONCLUSIONS**

- 1. The subject property is located within the Urban Growth Boundary, is adjacent to the existing city limits and is zoned for residential uses by the county. The location of the property makes it a logical candidate for annexation.**
- 2. Although the topography of the site contains very steep slopes, the area along the southerly boundary and the center of the site are can be developed with large lot urban densities.**
- 3. Although the city's primary residential need is for land that can be developed with low and moderate income housing, the city does have an ongoing demand for high end residential development and areas for this market are also being depleted at a rapid rate.**
- 4. Due to the fact that the Ransom Creek Canyon effectively isolates the northerly and westerly boundary of the subject property, the proposed annexation will not significantly impact adjoining properties on those sides. The property on the east side of the subject property is in related ownership and could possibly be annexed at any time. Future development on the subject parcel should consider and relate to potential development to the east. The property on the south, within the city limits is in the same ownership and is the site of the Claron Glen Subdivision. Development of the subject parcel will take access from the existing and proposed streets within the Claron Glen Subdivision.**
- 5. The water and sewer lines and other utility services which are located in Brooke Lane and Third St. will be extended into the subject property at the developers expense. These services can therefore be provided to the site in an efficient manner at no cost to the city.**
- 6. The subject property is adjacent to existing city limits and will only support approximately 13 or 14 houses and therefore will not have a significant impact on the city's ability to provide fire and police protection to the site nor will this annexation impair the city's ability to provide this protection to the other areas of the city.**

7. The proposed annexation represents a logical action in terms of location and the provision of services and utilities.

### **RECOMMENDATION**

The Planning Commission recommended **APPROVAL** of File No. ANX-1-92, based on the findings and conclusions stated above.

Mayor Hummel explained the public hearing process and asked if any councilor wished to declare ex parte contacts. There being no response, Mayor Hummel opened the public hearing at 7:08 p.m.

**Proponents speaking:** Woodi Davis  
Peter Paten

**Opponents speaking:** None

Mayor Hummel closed the public hearing at 7:30 p.m.

Councilor Curry moved to approve annexation under File No. ANX-1-92, which motion was seconded by Councilor Davis.

Councilor Brimm moved to amend the original motion to include approving the annexation and the findings of fact, which motion was seconded by Councilor Davis. The clerk called the roll with the following results:

**Ayes:** Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

**Nays:** None

**Motion carried; original motion amended to include approving the annexation and the findings of fact.**

The clerk called the roll on the original amended motion with the following results:

**Ayes:** Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

**Nays:** None

**Motion carried; annexation and findings of fact under File No. ANX-1-92 approved. (South Coast Lumber Company, Applicant)**

**VI. SCHEDULED PUBLIC APPEARANCES None**

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

Lorene Holmes requested that Holmes Drive be resurfaced. She contended that Fowler Construction Company brought large equipment in that has pock marked the paving. Mrs. Holmes was advised that City Manager Dennis Cluff would contact her regarding this issue. **No formal action taken.**

**VIII. CONSENT CALENDAR**

**A. Approval of Council Meeting Minutes**

1. April 13, 1992 Regular Council Meeting
2. April 6, 1992 Special Council Meeting
3. March 23, 1992 Regular Council Meeting

**B. Acceptance of Planning Commission Meeting Minutes**

1. March 2, 1992 Regular Planning Commission Meeting

**B. Request for Payment**

1. Final Payment - Easy Street Improvements - Horton Brothers, Inc.

Horton Brothers, Inc., requested final payment of \$34,933.32 for the Easy Street Improvement Project. Gary Dyer, P.E., recommended that the payment be approved.

**C. Change Orders**

**1. Change Order No. 5. - Easy Street Improvements - Horton Brothers, Inc.**

**Project Engineer Gary Dyer advised that an incomplete cleanout was discovered during subgrade excavation. A new sanitary sewer cleanout was constructed at approximately Sta. 23+00, at a cost of \$517.50.**

**The existing valves had lead fittings and were replaced to eliminate the need for future repair near Sta. 28+20, at a cost of \$1,306.40.**

**Mr. Dyer recommended approval of Change Order No. 5.**

**D. Report on Bids**

**1. Fire Department Equipment**

**Bids for new fire equipment were opened at 9:00 AM Tuesday April 21, 1992 in the fire hall. The results of those bids are as follows.**

<b>Oregon Fire Equipment Co. LTD</b>	<b>\$4,934.56</b>
<b>Cascade Fire Equipment Co.</b>	
<b>\$4,940.00</b>	
<b>Wajax - Pacific Fire Equipment Co.</b>	
<b>\$4,716.45</b>	
<b>L.N. Curtis &amp; Sons</b>	<b>\$4,792.00</b>
<b>Halprin Supply Co.</b>	<b>\$4,732.80</b>

**All the bids received met the requirements as specified.**

**The fire department reviewed the bids received and selected the quote from Wajax - Pacific Fire Equipment inc. as the low bid. The fire Department also requested that since the price for the equipment is under the \$5,000.00 budgeted that additional equipment be allowed to be purchased. The additional equipment were 4 helmets in the amount of \$279.60. The total price of the equipment is \$4,996.05.**

**(end Consent Calendar)**

The council requested corrections to the minutes of April 13 and April 6.

Councilor Davis moved to approve the Consent Calendar as corrected, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

**Motion carried; Consent Calendar consisting of:**

**A. Approval of Council Meeting Minutes**

1. April 13, 1992 Regular Council Meeting
2. April 6, 1992 Special Council Meeting
3. March 23, 1992 Regular Council Meeting

**B. Acceptance of Planning Commission Meeting Minutes**

1. March 2, 1992 Regular Planning Commission Meeting

**B. Request for Payment**

1. Final Payment - Easy Street Improvements - Horton Brothers, Inc.

**C. Change Orders**

1. Change Order No. 5. - Easy Street Improvements - Horton Brothers, Inc.

**D. Report on Bids**

1. Fire Department Equipment

**approved.**

**IX. ORDINANCES/RESOLUTIONS/FINAL ORDERS None**

**X. COMMITTEE REPORTS**

- A. Planning Commission None
- B. Parks and Recreation Commission None
- C. Golf Board

Mayor Hummel spoke on the golf course development regarding the lease agreement.

- D. Chamber of Commerce

Chamber Manager Les Cohen apprised the council of securing written agreements with Harbor motels to pay bed assessments to Chamber.

**XI. STAFF REPORTS**

- A. Community Development Director

- 1. Request for tree removal on Spruce Street

Community Development Director Leo Lightle advised that as requested by council, he contacted Mr. and Mrs. Abbott, the owners of the property abutting the property where the trees in question are located. The Abbotts were not in favor of tree removal generally, but were not opposed to the removal of two trees as long as the property was replanted. Mr. Jed Boscoe, lessee on the Abbott property, was contacted and he had no objection to the removal of the trees if the area was replanted.

Councilor Davis moved to allow removal of trees now, with replacement of trees to be done in the wet season at Betsy Bubble Bath owner's expense, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

**Motion carried; removal of trees allowed now on Spruce Street, with replacement of trees to be done in the wet season at Betsy Bubble Bath owner's expense.**

**Staff was directed to acquire a written agreement with the Betsy Bubble Bath owner prior to tree removal.**

**XII. REMARKS FROM MAYOR AND COUNCILORS**

**A. Mayor**

**B. Council**

- 1. Request from School District 17C to be relieved of Deferred Improvement Agreement obligations**

**Mayor Hummel explained that there was a verbal request from School District 17C to be relieved of obligations of the Deferred Improvement Agreements.**

**Councilor Davis moved to appoint a subcommittee to meet with the school board to continue discussions on Deferred Improvement Agreements to resolve this issue by the end of 1992, which motion was seconded by Councilor Curry.**

**Councilor Davis moved to amend the original motion to change the time to 180 days and the subcommittee to be of two council members, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:**

**Ayes: Councilors Brendlinger, Curry, Davis**

**Nays: Councilor Brimm, Mayor Hummel**

**Motion carried; original motion amended to change the time to 180 days and the subcommittee to be of two council members.**

**The clerk called the roll on the original amended motion with the following results:**

**Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel**

**Nays: None**

**Motion carried; appointment of a subcommittee consisting of two council members to meet with the school board to continue discussions on Deferred Improvement Agreements to resolve this issue within 180 days approved.**

**EXECUTIVE SESSION ORS 192.660 (1)( )**

**None**

**XIII. ADJOURNMENT**

**Councilor Davis moved to adjourn, which motion was seconded by Councilor Curry; motion carried unanimously.**

**Mayor Hummel adjourned the meeting at 8:55 p.m.**



**Fred Hummel  
Mayor**

**ATTEST:**



**Beverly S. Shields  
City Recorder**