



# CITY OF BROWNSVILLE

## Council Meeting

Tuesday – December 16<sup>th</sup>, 2014

**Regular Session      7:00 p.m.**

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Holidays and Observances: 14: Valentine's Day, 16: President's Day



# CITY OF BROWNSVILLE

## Council Meeting

City Hall – Council Chambers  
Tuesday, December 16<sup>th</sup>, 2014

### AGENDA

#### Regular Session

**7:00 p.m.**

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) PLEDGE OF ALLEGIANCE
- 4) ADDITIONS OR DELETIONS TO AGENDA
- 5) MINUTES: November 25<sup>th</sup>, 2014  
December 4<sup>th</sup>, 2014 – Marijuana Committee
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
  - A. Diane Remior – Neighborhood Zoning Issue
  - B. John Voight – Sage Street
- 7) DEPARTMENT REPORTS:
  - A. Sheriff
  - B. Public Works
  - C. Administration
  - D. Library
  - E. Court
  - F. Council
- 8) CITIZEN COMMENTS (Non-agenda & Agenda items)
  - ✦ Council asks that comments be limited to three minutes per audience member. Please state your name and address prior to commenting for the public record.
- 9) LEGISLATIVE:
  - A. O 748: Public Works Standards, Accessory Structures & Fences  
(*Second Reading*) (*Tabled from November Meeting*)

This Agenda is a list of the subjects anticipated to be considered at the meeting, but the Council may consider additional subjects as well. The location of the meeting is accessible to physically challenged individuals. Should special accommodations be needed, please notify City Administrator S. Scott McDowell at (541) 466-5880 in advance. Thank You.



**10) ACTION ITEMS:**

- A. Smith Agreement Request – System Development Charge (SDC)
- B. Marijuana Committee Options & Outcomes

**11) DISCUSSION ITEMS:**

- A. Bi-Mart Willamette Country Music Festival (*Outcome*)
- B. Mayor Ware's Communications Plan
- C. Brockman Water Meter Outcome
- D. November Financials

**12) CITIZEN QUESTIONS & COMMENTS**

- ✦ Council asks that comments be limited to three minutes per audience member. Please state your name and address prior to commenting for the public record.

**13) COUNCIL QUESTIONS & COMMENTS**

**14) EXECUTIVE SESSION**

- Council will be discussing a real property transaction and reviewing the performance of the City Administrator.
- Oregon Revised Statutes, Chapter 192.660 governs the conditions for a public body to convene in an Executive Session. The City will invoke Section (e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions. The City will also invoke Section (i) to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.
- Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session
- A final decision may be made after this Session.

**15) ADJOURN**

This Agenda is a list of the subjects anticipated to be considered at the meeting, but the Council may consider additional subjects as well. The location of the meeting is accessible to physically challenged individuals. Should special accommodations be needed, please notify City Administrator S. Scott McDowell at (541) 466-5880 in advance. Thank You.



## Council Minutes

November 25<sup>th</sup>, 2014

**ROLL CALL:** Mayor Don Ware called the meeting to order at 7:00 p.m. with Councilors Shepherd, Cole, Gerber, Van Sandt, and Chambers present. Councilor Boyanovsky was excused. Public Works Superintendent Karl Frink, Administrative Assistant Tammi Morrow, City Attorney Lauren Sommers and City Administrator Scott McDowell were also present.

**PUBLIC:** Sergeant Brad Kelley, Allen Buzzard, John Morrison, Elizabeth Coleman, Kaye Fox, Jennifer Moody (*ADH*), John Voight, Josh Metcalf (*Sweet Home Sanitation*), Glenn Reinemer, Mr. & Mrs. Doug Block, Leda Sepulveda (*The Times*) and husband, and Randy and Gayle Simpson.

The pledge of allegiance was recited.

**ADDITIONS AND DELETIONS:** Mr. McDowell informed Council that he would like to delete agenda item 11D. Recreational Vehicles and add item 11E. Leash Law to the agenda tonight.

**MINUTES:** Councilor Cole made a motion to approve the October 28<sup>th</sup>, 2014 meeting minutes. She will clarify her statement regarding the HRB in the comment section tonight at the end of the meeting. Councilor Gerber seconded the motion, and it passed unanimously.

### **PUBLIC HEARINGS OR PRESENTATIONS:**

***John Voight – Sage Street*** – Mr. John Voight informed Council that he had purchased a piece of river front property that abuts his residential property. This property is basically landlocked, however it does border an undeveloped city street. He would like to be able to gain access to this property, and would like direction from Council to best determine his options. Several options were discussed, with no clear outcome at this time. Mr. McDowell will meet with the adjoining property owners and see what the best option might be. Mr. Voight's options are to 1) improve the street to City standards, 2) file a petition of vacation of the right-of-way or 3) the City vacates the right-of-way. More information for Council at a future date.

***Josh Metcalf – Cleanup Day Results*** – Josh Metcalf from Sweet Home Sanitation was present to report the fall cleanup day results. He said that the Public Works Department did a fantastic job; they are a top notch group. Mr. Metcalf thinks it is important to share cleanup day results as a way to place perspective on the importance of this event. As you know, cleanup day was moved to fall as opposed to springtime this year. Final statistics reveal that 43 tons of material was collected, approximately 10-15 tons more material than last spring! Twenty-two tons were diverted to recycle/reuse. City staff has spent a considerable time keeping nuisances to a minimum. Councilor Cole would like clarification – is cleanup day done in lieu of franchise fees? Mr. McDowell indicated that has always been the case with this franchise. McDowell continued by saying that the clean-up day signifies much more than monetary value. The City is sending the message to the community that we want to keep our town clean. The event probably costs Sweet Home Sanitation \$6,000-\$8,000 to operate. Mr. Metcalf agreed with Mr. McDowell's estimate and also stated that clean up day benefits the entire community whether they are Sweet Home Sanitation's customers or not. Mr. McDowell also stated that moving clean-up day was great for Staff in terms of Code



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enforcement. Seventeen abatement postings were rectified due to moving this event to October.

**Lauren Sommers – Measure 91** – Ms. Sommers reminded Council that up to this point, conversations have focused mainly on medical marijuana dispensaries. Now with the new laws in effect, consideration needs to be given to growers, processors, etc. as well. Mr. McDowell stated that this is an opportunity for Council to give Staff some policy direction on how to proceed. The City of Albany recently made some policy change language that states that recreational and producer, in the marijuana industry, cannot be within 300' of a residential space. Basically the City of Albany went through the land use process to enable them to write their own rules that best serves their community. Mr. McDowell stated that if this is a direction that Council wants to go, land use needs will have to be discussed in detail. Time is of the essence as the DLCDC requires two readings and prior notification consisting of thirty-five (35) days. Ms. Sommers stated that this change would require a Title 15 amendment to the Code, and that land use regulations are more defensible. Another factor would be that all of old town commercial has a secondary residential use, so basically this would prohibit a dispensary in the downtown core. Councilor Gerber asked if Council could reconvene the marijuana committee to discuss how best to proceed. Councilor Cole stated that she would like to see a new group formed to get a different perspective on the issue. Mr. McDowell suggested forming a group of councilors – three perhaps – to study the issue and bring back a recommendation to Council at the December meeting. Councilor Chambers agreed and asked who would serve with her on the committee? Councilor Shepherd and Councilor Chambers agreed to serve on the committee. Councilor Gerber will be the committee chairperson.

**Review Goals – Economic and Community Development** – Mr. McDowell shared some highlights with Council on the year's accomplishments, particularly in the economic and community development areas. A lot of the accomplishments are economic building blocks, and will be benefitting the community for years to come. The Ford Foundation has made a significant effort here developing community leadership. We have new business coming into town, and expect to be continuing down that path.

### DEPARTMENT REPORTS:

1. **Sheriff's Report.** Sergeant Kelley was present. He stated that it has been fairly quiet lately. Mayor Don Ware asked about coverage for the town, and Sergeant Kelley responded that there are usually a couple of people in town all the time.
2. **Public Works.** Mr. Frink reported that the new water line has passed all testing and is now in service. Road grading will be happening in December or January. The paving projects have been awarded to Holderman Paving. Paving will be done either this fall, or possibly in the spring, dependent on weather. The park has been closed and winterized. Public Works is waiting on a bid for stage lights at the Rec Center. Mr. Frink also spoke with a plumber today about getting a fountain and a hot water heater for the building. Public Works will begin picking up leaves in the Park very soon.
3. **Administrator's Report.** – Mr. McDowell informed Council that the business registration letters will be rolling out soon, around mid-December. The new business registration will take effect the first of the year, and businesses will begin to complete the paperwork at that time. The audit is getting close to being finalized. It will be presented to Council when completed. The water rights and GR-12 news remains the same as chronicled in the staff report. There is a new



## Council Minutes

process that has been developed in the last year according to Wyatt Rolfe. Mr. McDowell and City Engineer Jon Erwin recommend that Council proceed with this process quickly to preserve the City's rights. Council instructed Mr. McDowell to go forth, post haste, and to take the most sure path. The Emergency Planning Committee will kick off in a few weeks. Mr. McDowell will start with a small informational meeting and proceed from there. The Central Linn Rec Center Agreement (CLRA) transition has been working well. Mr. McDowell thanked Staff for facilitating this whole process. There is more work to be done, but we have made a good start. Councilor Cole inquired as to the City's liability for injuries. Mr. McDowell responded that this has not changed. The CLRA carries their own liability insurance, and any injuries would fall within that parameter. The City has not taken on additional liability, the exposure remains the same. If someone should ever sue, they will name all parties involved. Staff went out and visited with the neighbors of 120 Moody Court. All said that they have noticed a substantial difference with 23 cats removed from the area. Staff will continue to monitor the situation. A nuisance situation has surfaced at 108 E. Blakely. There is considerable trash, mattresses, etc. in the yard and driveway. After trying for over two weeks to contact the property owner, staff posted an abatement on the property on November 24<sup>th</sup>, 2014. Mr. McDowell also brought to Council's attention a matter involving a customer's water meter. Mr. Brockman has requested that the water meter be moved closer to his house. Mr. Frink told Mr. Brockman that it would take considerable work and special equipment to make this happen. However, if Mr. Brockman could be patient, the City would likely need to rent this special equipment for another project, and would complete his project at the same time, thereby saving Mr. Brockman the expense. The city's policy remains the same. The water line to the water meter is the City's responsibility; from the water meter to the house is the property owner's responsibility. Mr. Brockman is unhappy that this project has not been completed yet. There are several extra issues with this situation. There are a row of arborvitaes that will need to be removed and the road presents challenges. The City is going the extra mile to help with this project. For now, this is just an awareness issue for Council.

4. Library Report. Don't forget about the book sale next weekend.
5. Court Report. No comments.
6. Council Comments. No comments.
7. Citizen Comments. Kaye Fox, Kirk Avenue, remarked that she has heard from the young parents around town that this was the best Halloween ever! She stated that she appreciated the merchants being open, and the increased safety for the children in the neighborhoods. She expressed her thanks to Council and Chamber for all their hard work.

Randy Simpson, Sheephead Road, stated that in regards to the new marijuana committee, if you regulate them so many feet from residences, etc., they will be regulated out of town. He commented that if you regulate the dispensary out of town, you should consider regulating the liquor store, etc.

Allen Buzzard, School Avenue, suggested a subcommittee of fair people, not just Council, in regards to the marijuana issue. He stated that he is a small business owner, and over regulation is the death of new business. He shared a few suggestions for language in the fence ordinance.



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### LEGISLATIVE:

1. O 748: Public Works Standards, Accessory Structures, & Fences (First Reading). Mr. McDowell informed Council that he has had several conversations primarily focusing on the deer fence part of the proposed ordinance. He has highlighted the changes for Council's review. Remember, this ordinance coming before Council is to increase equality and to give Staff a standard to operate under. The Code sets the guidelines. If neighbors have a dispute, quite often they look to City Hall to work out the problem. This Code would set standards and help alleviate this problem. Council is not obligated to act on this issue. This ordinance has been vetted through the Planning Commission. Discussion followed. A vote was taken, with three for and three against this legislation. The topic was tabled until the December meeting.
2. R 2014.20: Adopting a Marijuana Tax Rate. Mr. McDowell commented that this resolution is in place just in case the City will be legally able to tax marijuana. Discussion followed. Several motions were made resulting in tied votes. *Councilor Gerber made a motion to adopt R 2014.20 with a 7% tax on recreational marijuana and 0% tax on medicinal marijuana. Councilor Cole seconded the motion. It was voted on and passed, 4-2, with Councilor Cole and Councilor Van Sandt opposing.*
3. R 2014.21: Certify Election Results. Mr. McDowell informed Council that the Linn County Clerk's Office has mailed the official election results that need to be authorized by Council. The City is not in receipt of the letter, but have verified the results online. *Councilor Cole made a motion to authorize Mr. McDowell to certify the election results as presented. Councilor Shepherd seconded the motion and it passed unanimously.*

### ACTION ITEMS:

1. 2015 Goal Setting Session. Mr. McDowell inquired of Council when they would like to set the 2015 Goal Setting Session. January 24<sup>th</sup>, 2015 was agreed upon at 9:00 a.m. here at City Hall. Mayor Don Ware reminded everyone it is very important for all to attend.
2. Address Marking. Mark Stevens, Brownsville Fire Department, would like to gain Council approval to paint house numbers on curbs. One concern surfaced that not all houses in town have curbs. Current ordinance reads 2" numbers, but has no specifics about placement. This can be a problem in dark, inclement weather. *Councilor Van Sandt made a motion to allow the Brownsville Fire Department to paint house numbers on curbs. Councilor Shepherd seconded the motion and it passed unanimously.*

McDowell suggested reviewing the current ordinance due to many changing factors. McDowell was asked to review those ideas with Mr. Stevens.





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3. Delinquent Court Accounts. Mr. McDowell informed Council that in their packet they would find a list of delinquent court accounts of more than ten years. There are a number of reasons for the delinquency: death, moving out of state, illegals, etc. Mr. McDowell recommends approving that these delinquent accounts be written off. *Councilor Shepherd made a motion to approve the write off of the delinquent court accounts. Councilor Van Sandt seconded the motion, and it passed unanimously.*

### **DISCUSSION ITEMS:**

1. Bi-Mart Willamette Country Music Festival. Recently McDowell and John Morrison attended a discussion pertaining to the updating of the Outdoor Mass Gathering Permit legislation for Linn County. Language is still being reworked and changed for this County process. Linn County Staff has been directed to have the legislation ready to approve at the Linn County Commissioners meeting on December 10<sup>th</sup>, 2014. McDowell hoped that the result of the changes would be positive. *Councilor Gerber made a motion to authorize Mr. McDowell to ask for the ordinance to be tabled if the language would exclude and prohibit the Willamette Country Music Festival from remaining in Linn County. Councilor Van Sandt seconded the motion, and it passed unanimously.*
2. Snow Removal Policy. Mr. McDowell informed Council that Staff has received several complaints last year regarding snow removal from roadways. As we do not have equipment to deal with snow removal, and the County does a great job for us making sure the main highways are graded and sanded, the City's position has always been to wait out the weather. It would cost the City about \$10,000 to initiate a program.
3. Weapons Discharge. The current weapons discharge ordinance was discussed. At this time, Staff is not interested in issuing permits without some kind of administrative rules in places as the liability is just too great. Mayor Don Ware proposed going back to the original ordinance. This item was tabled until a future meeting.
4. Recreational Vehicles. This item was tabled until a future meeting.
5. Animals. Staff has received a petition to enact a city wide leash law. There are a number of ways to do this, as you will see from the report on page 85 in your packet. Currently the leash law in town only applies to the park, in certain areas. A town hall forum was suggested to hear what the citizens would like in their community. Councilor Shepherd commented that a woman in Eugene recently lost her life because she tried to save her dog from being hit by a train. If the dog had been leashed, this accident would have never happened.
6. South Oak Drainage Issue. Staff is asking Council to address an ongoing issue with drainage at a residence on South Oak Street. Recent paving improvements have been made on this street, and the continuous water runoff will soon begin to erode the new pavement. Council agreed and asked Mr. McDowell to compose a



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letter to the property owner stating the reasons for the City's concern and their options to correct the problem.

7. **382 Kirk Avenue Options.** Mr. McDowell is asking for Council's input on how best to proceed with the situation at 382 Kirk Avenue. The property has been in non-compliance for several months. Mr. McDowell reminded Council that the ordinances need to be enforced as fairly and equally as possible. If the ordinance is not working, then maybe a change is in order. It is unfair to require some citizens to follow the ordinances, and not others. The Code needs to be enforced unilaterally. Discussion followed. Three motions were made that resulted in tied votes. *Councilor Shepherd made a motion to send another letter to Ms. Garrison detailing the fines to date, offering assistance, and requesting that the nuisance be abated by the first of January. If after that time period, the nuisance remains, Ms. Garrison will be cited into municipal court. Councilor Chambers seconded the motion. It was voted on and passed, 4-2, with Councilor Cole and Councilor Van Sandt opposing.*
  
8. **September Financials.** Mayor Don Ware inquired about the low balance in the LGIP account. Mr. McDowell indicated that the City has funded many projects this last year, and that the property tax monies will be coming in soon.

**CITIZEN COMMENTS:** Kaye Fox returned to the podium and informed Council that she has been living in this community for 10 years. Council's behavior tonight is one of the reasons that she ran for office in the last election. There are clear ordinances in place to deal with nuisances and Council is still choosing not to enforce their own rules. Her hope that in the new year, Council will come around and do the right thing.

Allen Buzzard spoke next and agreed with Kaye Fox's comments. He asked Council why Washington Avenue and French Street have been overlooked and not paved. Mr. McDowell responded that this situation has not been overlooked. After getting three estimates for this project over the last eight years, it was concluded that the project would cost upwards of \$400,000, and the City cannot afford this expenditure at this time due to the other emergencies that have been addressed over that same period of time.

Randy Simpson spoke again. He again asked that Council lift the moratorium. He stated that they have been abiding by the moratorium, and drive outside of town to give marijuana to cardholders.

**COUNCIL COMMENTS:** At the last meeting Councilor Cole intended to convey that she would like to see the Historic Review Board (HRB) strengthened, reminding Council that the HRB's jurisdiction is only old town commercial. She would like Council to explore language that could be incorporated with Parks and Open Space, but also with business licenses and public works standards. She would like to explore how to bring the HRB into more than just Parks and Open Space. Councilor Cole is willing to support Staff with whatever needs to be done. Mr. McDowell responded that perhaps the first step is the involvement with the Spaulding tree project and go from there.



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Councilor Chambers commented that in regards to the citizen's comments earlier, she tries to vote as a Councilor, not as a private citizen, in regards to what is best for the community. This vote does not always coincide with her personal opinion.

### EXECUTIVE SESSION

Entered @: 9: 20 p.m.

- Council will be discussing two separate real property transactions.
- Oregon Revised Statutes, Chapter 192.660 governs the conditions for a public body to convene in an Executive Session. The City will invoke Section (e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.
- A final decision may be made after this Session.

Exit @: 9:33 p.m.

The regular meeting was called back into session at 9:34 p.m.

*Councilor Cole made a motion to decline the property offer from Mr. Jungwirth due to flood considerations among others. Councilor Gerber seconded the motion. It was voted on and passed, unanimously.*

*Councilor Shepherd made a motion to instruct Staff to get more information on a building that is being occupied that is not zoned residential due to a complaint that has been filed with the City. Councilor Gerber seconded the motion. It was voted on and passed, unanimously.*

*ADJOURNMENT: Councilor Shepherd moved to adjourn at 9:39 p.m. Councilor Van Sandt seconded the motion, and it passed unanimously.*

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City Administrator S. Scott McDowell      Mayor Don Ware



## ***Marijuana Committee Work Session***

December 4<sup>th</sup>, 2014  
7:00 p.m.  
Council Chambers

### ***Meeting Synopsis***

**Note:** Council appointed Councilors Shepherd, Chambers & Gerber at the November 25<sup>th</sup>, 2014 Council meeting to learn more about possible land-use options and other implications surrounding medical & recreational marijuana due to the passage of Measure 91 at the General Election on November 4<sup>th</sup>, 2014. Councilor Gerber was selected by Mayor Ware to serve as Chair.

**Members:** Councilors Carla Gerber, Gary Shepherd, Lynda Chambers, City Attorney Lauren Sommers and City Administrator S. Scott McDowell.

**Public:** Randy & Gail Simpson.

Chair Gerber called the meeting to order at 7:00 p.m. Chair Gerber reviewed the purpose of the Committee basically saying the Committee was put in place to review possible regulations for potential medical and recreational marijuana facilities and businesses within the City of Brownsville. The Committee was charged with the responsibility of determining what kinds of policy to consider and to direct Staff to bring policy ideas to Council at the December 16<sup>th</sup>, 2014 meeting. Chair Gerber also indicated that the Committee will not be taking public comment this evening. Gerber invited public comment to be directed to full Council at the December 16<sup>th</sup> meeting.

Chair Gerber turned the meeting over to City Attorney Lauren Sommers. Mrs. Sommers had prepared a two page document to direct tonight's conversation. (*The two page document is included as part of these minutes.*) Mrs. Sommers outlined the types of facilities the City may wish to regulate, discussed important dates and then reviewed possible regulations the City may consider. Council can decide how and what regulations, if any, are necessary.

The first issue addressed was that of growing operations and public view. How does the City address the growing of marijuana in an agricultural zone? Many of the zones in the City allow agricultural uses as an outright permitted use. The Committee considered adding language that would ensure grows were out of the public view and in compliance with all facets of the current State law as provided by Measure 91; including the number of plants individuals are allowed to own. There was a fair amount of discussion about the amount of material allowed under the medical marijuana program. Mr. Simpson offered his view of the State law. Mrs. Simpson thought it was a good idea to have a public view regulation. The outcome of the discussion was that a person could grow up to twenty-four (24) plants on their property, not in public view, as part of the Oregon Medical Marijuana Program.

Councilor Shepherd expressed concern regarding the number of barns and shops that exist in the community. Shepherd basically stated that it will be impossible to prevent marijuana from being grown in these places. The City will have to rely on the Linn County Sheriff's Office for enforcement. Councilor Chambers expressed concern with building safety and inspection but fully understands the



limitations of City Staff. There was more conversation regarding public view and whether or not the City should define it further than what is already defined in State law. Mrs. Sommers offered that she felt the State law was fairly comprehensive regarding public view. Discussion ensued about whether or not the Sheriff's Office felt comfortable enforcing the State law or if they would feel more comfortable if the City of Brownsville had its own law regarding public view. Mrs. Sommers felt confident that the Sheriff's Office can enforce State law without any problem or need for the City to take further legislative action.

Chair Gerber asked if anyone was in favor of large commercial grows. The answer was unanimously no. Mrs. Sommers felt that a large commercial grow would fall under the business registration process the City recently adopted. There was discussion regarding the practical application of how that would actually work and what the limitations are to the business registration program. If it were a licensed grow in the State of Oregon, then they would need to obtain a business registration however given the current language they would not be eligible for registration to be issued.

The Committee began to focus the discussion around land-use issues. Mrs. Sommers outlined two primary paths of regulation. One possibility would be to allow marijuana related activity in certain zones and the second possibility would be to institute a buffer zone like the City of Albany adopted recently. The Committee discussed the merits of both proposals in fair detail. Chair Gerber reiterated the thoughts of the Medical Marijuana Committee from earlier this summer, saying they did not decide to go with the zone approach because Measure 91 was only an idea at the time. McDowell pointed out that if the Council is still interested in banning marijuana from the community, the voters could elect to allow marijuana as part of the local opt out process allowed by Measure 91. The vote in Linn County on Measure 91 was 52 to 46%; a narrow margin. If the voters were to defeat an Opt Out vote, the City would need to change their business registration language just as the City of Ashland did earlier this year in order to allow medical marijuana facilities and businesses. If the Committee recommends land-use options to Council and they were to be adopted, this would allow the City to zone potential marijuana facilities and businesses; should they ever be allowed either through a citizen initiative or by State mandate.

Mrs. Sommers outlined a few other ideas such as hours of operation, adding regulations regarding additional security, air filtration systems and odor among others. Mrs. Sommers also mentioned potential storm water regulations. Council Chambers felt that those were issues that could be addressed in the future and everyone agreed. The Committee also discussed the limitations of doing storm water regulations. Based on the items discussed this evening, the Committee requested that Staff look into both ideas regarding zoning and buffer areas and how that would work for the City. Staff is also requested to develop language regarding agricultural uses for Council consideration.

There being no further information to discuss the meeting adjourned at 8:08 p.m.



### **Types of Facilities the City may Wish to Regulate:**

- Medical marijuana dispensaries – prohibited by state law from locating in a residential zone, within 1000 feet of a school, and within 1000 feet of another dispensary. A dispensary may not be located at the same address as a medical grow site.
- Medical marijuana grows – up to 24 mature marijuana plants per location (a grower may grow for up to four patients and each patient may possess up to six mature plants).
- Home grows – beginning on July 1<sup>st</sup>, individuals 21 and over may grow up to four plants per household.
- Homemade products – homemade extracts (such as butane honey oil) are prohibited by Measure 91
- Recreational licensees – sometime in the Spring of 2016 OLCC will issue licenses to four types of recreational facilities: 1) growers, 2) processors, 3) wholesalers, and 4) retailers.

### **Important Dates**

- December 4, 2014 – Measure 91 takes effect; however, individuals cannot grow or possess recreational marijuana until July 1, 2015
- April 30, 2015 – Moratoria adopted by cities on medical marijuana dispensaries expire (unless the city set an earlier expiration date)
- July 1, 2015 – Individuals may now possess and grow recreational marijuana (up to 4 plants, 8 oz of useable marijuana, 16 oz solid form homemade marijuana products, and 72 oz liquid homemade marijuana products per household)
- January 1, 2016 – Not later than this date, the OLCC must adopt administrative rules regulating recreational marijuana licensees
- January 4, 2016 – OLCC begins accepting applications for recreational marijuana licenses
- Spring 2016 – OLCC begins issuing recreational marijuana licenses
- Spring/Summer 2016 – State begins distributing recreational marijuana tax dollars to cities - distribution is proportional based on population
- November 2016, first general election at which citizens could vote to prohibit licenses in the City
- July 1, 2017 – State begins distributing cities' shared state recreational marijuana tax revenue proportionally based on the number recreational licenses in the City – if there are no licensed premises in the City, the City will not receive any state shared revenue

### **Possible Regulations:**

- Outright prohibition v. regulation – does the City want dispensaries and licensed facilities to locate in the City?
- Apply dispensary buffers (1000 feet from schools and each other) to recreational facilities (OLCC may do this, but we will not know until they put out draft regulations)



- Apply additional buffers to medical and/or recreational facilities (ex. 300 feet from a residence, buffers around parks and libraries, etc.)
- Amend the language of the zoning code to specify in which zones recreational facilities may locate (for example, if certain zones allow agricultural uses, recreational grow operations may be an allowed use in those zones – is that something the City wants? Do you want to confine recreational retail outlets to commercial zones? What about processors and wholesalers? industrial? Other?)
- Adopt a local ordinance prohibiting use or growing of marijuana in public. These things are already prohibited by the recreational and medical laws, but you may want to further clarify what “in public” means in the City of Brownsville.
  - Measure 91 prohibits the use of marijuana in a public place and homegrown marijuana may not be located so that it can be readily seen from a public place.
  - ORS 475.316 prohibits the use of marijuana and the growing of marijuana in a public place.
  - Public place is defined in both the medical and recreational laws as “a place to which the general public has access and includes, but is not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds and premises used in connection with public passenger transportation.” Public place also includes streets, sidewalks, and parks.
- Land use code amendments to define dispensaries as a use and add conditions of approval
- Require only indoor (or only outdoor) grows
- Regulation of hours of operation
- Regulations related to odor and other nuisance issues
- Security system requirements
- Storm water issues related to fertilizer run off
- Other...



**December 4<sup>th</sup>, 2014**

**City Hall**

**Council Chambers**

**7:00 p.m.**

***Marijuana Committee***

**WORK SESSION**

1. Call to Order
2. Land Use & General Options Discussion
3. Open Discussion
4. Recommendation
5. Adjourn





# City Administrator Report

December 16<sup>th</sup>, 2014

**From:** S. Scott McDowell  
**To:** Mayor & Council  
**Re:** General Business

**Note:** The most important section is the first one because it provides information and a brief overview of the topics to be discussed the night of Council. If an item title is highlighted in green, that indicates that it is part of Council Goals that are on the Council room wall or in the City budget.



Nobody can go back and start a new beginning, but anyone can start today and make a new ending."  
– Maria Robinson, American Author

Do things with passion or not at all.

"The real art of conversation is not only to say the right thing in the right place but to leave unsaid the wrong thing at the tempting moment."  
– Lady Dorothy Nevill, British Writer

"We adore chaos because we love to produce order."  
– M.C. Escher, Dutch Graphic Artist

## AGENDA ITEMS DISCUSSION – The following items follow the order of the Agenda

**Neighborhood Zoning Issue & Diane Remior** – The City has received multiple complaints about 1118 N. Oak Street fixing cars in the neighborhood. I have included an e-mail string in the agenda packet as background information. I will also have pictures of the situation as a handout for Council. Mrs. Remior will be addressing the issue with Council.



**John Voight & Sage Street** – Mr. Voight has basically three options, 1) put the road into City standards, 2) file a petition to vacate the right-of-way or 3) the City files a right-of-way vacation.

Mr. Voight is trying to gain access to property he added this past summer. The property added has a condition that it cannot develop due to the property being located in the floodplain.

**Voight & Snook Outcome** – I will provide an oral report as the meeting with the Snook's was postponed until the week of Council meeting. Mr. Voight indicated that he did want the City to negotiate or mention any possible negotiation points with the Snook family. I agreed with this request as this whole thing isn't really a City issue. Voight also forwarded another idea that is currently being reviewed by City Attorney Ross Williamson.

**O 748: Public Works Standards, Accessory Structures & Fences (Second Reading)** – Council tabled this at the last meeting. Staff is recommending this item be tabled until January 2015



or removed from the agenda until Council can determine what they would like to do with this issue and other similar Code issues.

*From 11.25.2014:* Council directed Staff to look into deer fencing. Staff has made changes in the accompanying information. All changes are highlighted. The permits and charts are also included for your review. Deer fencing is handled different ways in different communities of course, we have decided to require a permit for deer fencing. The rationale is due to the very reason for these changes – honoring the Brownsville Municipal Code regarding

setbacks. Allowing someone to install a deer fence without a permit will lead to consternation between neighbors which will lead to uneven enforcement of the setback requirements.

Alternatively, Council could choose to change the entire approach. Council could say the setbacks contained in the Code are guidelines for residents to follow. Any deviation from the setbacks may result in a civil action taken by your neighbor. The City of Brownsville is in no way responsible for the enforcement of these setbacks.

The approach that Council is currently considering is a best practices, pro-active approach to Code enforcement however the alternative is also a course of action.

*From 10.28.2013:* The Planning Commission met on October 20<sup>th</sup> to discuss the proposed changes to Title 15 of the Brownsville Municipal Code. Staff will review the suggestions discussed at that meeting. Overall, the Planning Commission is very pleased to see these changes finally happen. Staff would like to have all questions, comments or other suggestions by the end of the first week of November.

*From 09.23.2014:* Staff filed the appropriate paperwork with the Department of Land Conservation & Development. The City's representative reviewed the information and then confirmed that the City did not need to file any Measure 56 paperwork for the changes being considered.

Council has discussed for some time the adoption of this ordinance. Staff was given direction at the last meeting to provide language for Council review. The Planning Commission will also review the language concurrently with Council and make a recommendation for the October Council meeting regarding any edits, changes or other general concerns.

Next month, will be the actual first reading of this legislation.

#### ***What is Council being asked to do?***

- ^ Review all of the information.
- ^ Ask questions, discuss and make any changes.

**Smith System Development Charge (SDC) Agreement** – Council has the authority to approve SDC agreements based on Brownsville Municipal Code Chapter 3.10, Section 3.10.090 and ORS 223.208. Council may recall a similar agreement done with Bobby and Carine San Martin-Jeffery in March of this year. I have included the agreement in the packet for your review.



***What is Council being asked to do?***

Modify or pass the agreement as is in order for the appropriate charges to be levied for utility services.

**Measure 91 Committee Options & Outcomes** – I have included the minutes in the agenda packet for your review. Staff hopes to have a presentation at the meeting for Council review.



***What is Council being asked to do?***

Basically, Council is being asked about policy decisions as it relates to both medical & recreational marijuana. The Committee made a few recommendations that Council will need to act on at this meeting because Staff will need to get moving on any of the possible land use ideas, such as buffer zones or specific zoning language changes, due to the time necessary to complete those policy changes.

**Bi-Mart Willamette Country Music Festival (BWCMF)** – I will provide either a handout or an oral report or both for Council the night of the meeting.

*From 11.25.2014:* Linn County Staff continues to work on changes to the Outdoor Assembly Code. The next hearing will be December 10<sup>th</sup>, 2014. County Staff is required to share the final version of the changes with the BWCMF staff. Hankins was able to get a meeting scheduled with County Staff to discuss the changes once they are made available on December 3<sup>rd</sup>, 2014.

*From 10.28.2014:* Linn County held the first reading on October 7<sup>th</sup> to discuss wide scale changes to the Outdoor Assembly Code. Lawyers for the Festival outlined several problematic areas with the commissioners. The outcome was to convene a workgroup session which was held on October 14<sup>th</sup>, 2014. All parties felt that the workgroup session was very productive although more time was needed to discuss a few other critical areas. Linn County had a second reading on October 20<sup>th</sup>. The Festival was successful in getting the reading tabled until November 12<sup>th</sup>. Ms. Hankins reported that the County Commissioners were not interested in another workgroup session, but they did allow the Festival to contact the County Attorney directly. The attitude of the Commissioners is that they are going to change the Code and not everyone is going to like the changes. The City will have to monitor these developments very closely in order to rally community support if needed.

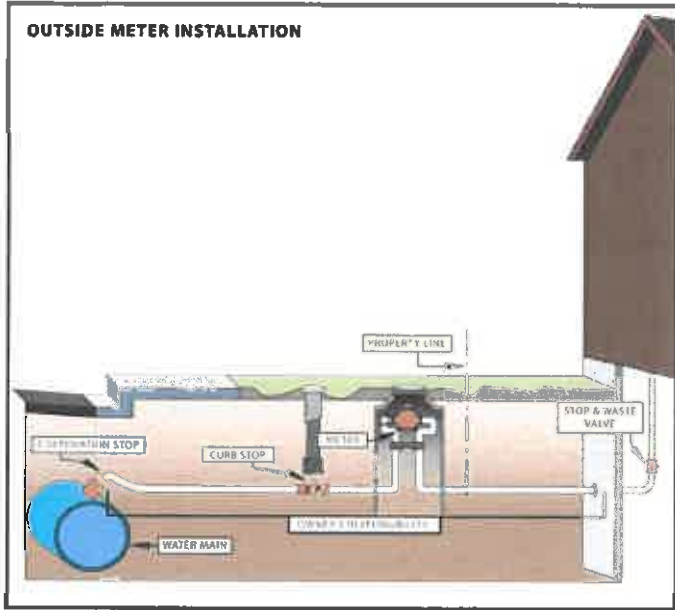
*From 09.23.2014:* The debrief with public safety officials went very well. Overall, everyone felt that traffic logistics greatly improved from 2013. It was also clear that calls received by the Sheriff's Office were significantly reduced again this year. Mayor Ware, Councilor Shepherd & I took a backstage tour with Anne Hankins and Don Leber to witness the significant changes and improvements that have been made over the course of the last several years. The event truly is top-notch.

I have provided attendance reports from 2013 & 2014 as has been provided to the Linn County Commissioners by BWCMF. Ms. Hankins indicated there's been a fair amount of discussion regarding the validity of these numbers. She feels it may be an issue for the hearing which is scheduled for Wednesday, September 24<sup>th</sup>, 2014 at the Linn County Courthouse, 9:30 a.m. The City & the Chamber encourage attendance at this important hearing for both the 2015 and 2016 events.

**Mayor Ware's Communications Plan** – Council will be provided with a handout at the meeting.



**Brockman Outcome** – Public Works Superintendent Karl Frink, Councilor Mandy Cole and I met with Mr. Brockman at his residence on December 4<sup>th</sup>, 2014. Council had indicated that Mr. Brockman should be responsible for the repair of the water line on his side of the meter per City policy at the



November 25<sup>th</sup>, 2014 Council meeting. Mr. Brockman felt that the City should move the meter closer to his property line at the City's expense. Mr. Frink explained that he was simply trying to help out when he offered to move the meter earlier this Summer as a neighborly gesture. The City will have to rent a smaller piece of equipment to do the repair. Mr. Frink thought that with the City doing the water line installation on School Avenue that it may be necessary to rent a mini excavator. It turned out that the City did not need to rent a mini excavator so the City was unable to act "neighborly." The bottom line is that the moving of the meter is Mr. Brockman's responsibility.

Staff gave him the option of closing the current hole and waiting until next year. The City would honor what Mr. Frink said earlier this year.

The road cannot be open cut now due to the weather. The road would wash out and become a serious concern. Mr. Brockman was unsatisfied with this answer. Finally, a compromise was reached that the City would get an estimate to bore this service and place the meter on the north side of the roadway near Brockman's property line. Some kind of cost share would be discussed once the estimate was made official.

**January 24<sup>th</sup> Goal Setting Session** – Staff will prepare and host a Council goal setting session for Saturday, January 24<sup>th</sup> at 9:00 a.m.

**Leash Law Town Hall (February)** – Staff is proposing hosting a Town Hall meeting to discuss the Leash Law petition that was forwarded to Council in October. I have included some basic research in the agenda packet. Council can host the Town Hall as part of the regularly scheduled Council meeting as has been done for other issues such as the Pioneer Park Restrooms and the Fire Bay makeover. Several people have inquired about this topic.

**Business Registration** – The City will be sending out letters to businesses and property owners by December 19<sup>th</sup>, 2014. Staff will be available for appointments to assist with completing the information. I have included the form for your review, one last time, to make sure that we have included everything.



**Upcoming Discussions & Tabled Thoughts**

**Upcoming Legislative Efforts**

- ✦ Public Works Standards, Accessory Structures & Fences
- ✦ Marijuana Policy





- ✦ Leash Law Policy

### **Tabled**

- ✦ Animals Research & Ideas (*Chambers & McDowell*)
- ✦ Weapons Discharge Policy
- ✦ Stahl Zoning Issue (*Waggener Complaint*)
- ✦ RV Discussion (*Ware, Cole & McDowell*)
- ✦ Water Hookups
- ✦ Library Summer Closure

**Address Mapping** – Mark Stevens of the Brownsville Rural Fire District's Volunteer Association and I have had some initial discussions based on Council's decision last month to allow the curbs to be painted. We will be sitting down after the first of the year to develop some ideas.

*From 11.25.2015:* Council may want to consider reviewing the current ordinance for house numbering. Below is the current language:

#### **12.15.060 Owner responsibility.**

 SHARE

Numbers shall be placed within 60 days after the City Recorder has assigned the appropriate number. The cost of the number or numbers shall be borne entirely by the owner or occupier of the building. [Ord. 380 § 6, 1961; 1981 Compilation § 8-1.6.]

#### **12.15.070 Specifications.**

 SHARE

All numbers shall be at least two inches in height and placed in such a position as to be readily seen from the front of the building. [Ord. 380 § 7, 1961; 1981 Compilation § 8-1.7.]

**Weapons Discharge Ordinance** – Staff will bring this back after the first of the year. Council asked to look at the old ordinance and asked for Staff to develop some administrative rules.



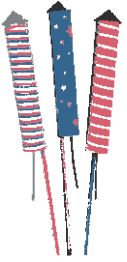
*From 11.25.2014:* Staff was asked to bring this issue back up for discussion. Staff has had a difficult time with this process. Liability issues abound. The City Attorney is in the process of providing input as well. The City Insurance Agent is not in favor of this policy due to the undue liability it brings to the City. City/County Insurance Services (CIS) is not in favor either but are too kind to give a recommendation against such a public policy. Staff hopes to address some of the real world application problems with this process.

*From 10.28.2014:* Staff met with Sergeant Brad Kelley to develop protocol for permits. The County may have a concern with the liability that can come from signing off on such a permit. We reviewed the Christian Church permit. The permit seems to be a good place to shoot based on the land berm behind the targets. Staff would still like to develop some standards for Council review in the future.

*From 09.23.2014:* Staff is still determining standards for backdrops for shooting in close proximity to neighbors. The City is working with CIS Risk Management, the City's insurance personnel and the Linn County Sheriff's Office to get a solution for Council to consider. Permits that have been filed have not been finalized until these determinations are made.



*From 07.22.2014:* The City received three archery permits which have brought some challenges on exactly how to permit certain situations. One applicant has permission from all of the surrounding property owners and is actually shooting from a neighbor's property toward his target, all of which is on the public right-of-way. Staff cannot allow weapons to be discharged on public property. However, the conversation needs to be had with Council over the liability issues and/or the possibility of creating some type of an agreement that would allow this practice. I hope to have more information at the meeting as I'm still waiting on information from our insurance agent and Dunny Sorenson from CIS.



**Fourth of July Outcome** – Staff will budget for some additional resources to better handle the crowd for this event. Council discussed a few of the possibilities earlier this Summer. Staff is considering additional event lighting, additional trash receptacles & portable toilets. The transportation plan will have to wait another year.

**Recreational Vehicles** – This item will be addressed in the future.

*From 11.25.2014:* Mayor Ware & Councilor Cole have not had an opportunity to discuss this issue. I have placed some information in the packet that does somewhat address this issue.

**Animals** – Councilor Chambers and I hope to have some ideas together for Council review after the first of the year.

**S. Oak Street Drainage** – The City will be forwarding a letter in the near future.

*From 11.25.2014:* At the completion of the project on S. Oak Street, a local resident continues to drain their sump pump into the street. Staff would like to discuss this matter with Council to determine the best course of action to remedy the situation.



**BCS Audit Review** – Everything has been forwarded to BCS. We should have the final audit in the near future. I expect to have it before the end of the year. As soon as I get it, I will complete the necessary reports for the USDA.

*From 11.25.2014:* Staff is current working on the management letter for the audit. Hopefully, we will have the completed document by the December meeting. Staff still need to file the audit with the State and USDA.

**Satellite Providers & Local Coverage Request** – Staff has not had an opportunity to work on this task.

**382 Kirk Avenue Outcome** – Staff forwarded another letter as requested by Council. I have included it in the agenda packet for your review. Staff will proceed with the citation process after the first of the year depending on any actions taken by the property owner.

*From 11.25.2014:* City Attorney Lauren Sommers is working on additional options for Council consideration. I hope to report out at Council and/or provide a handout for Council review. Fines have accumulated to a total of \$1,250 as of November 25<sup>th</sup>, 2014.



*From 10.28.2014:* The property owner has basically told the City to find her all we want. She does not plan on complying with the ordinance. Since October 6<sup>th</sup>, at a rate of \$25 per day, the property has amassed a total of \$575.00. Staff plans on forwarding a letter to the property owner to notify her of these charges.

***What is Council being asked to do?***

Council can cause an administrative warrant to be issued for this property and have the violation removed from the premises.

I think the best course of action is to continue to forward a letter after each Council meeting as to the amount the fines have totaled along with the offer to provide help to move the freezer. Council could then address taking another course of action at the first of the year.

**Water Rights Update** – The City will proceed with engineering for GR 12 as discussed at last meeting.

*From 11.25.2014:* Staff is still investigating information and possibilities. I will hope to have an oral report for Council at the meeting.

*From 10.28.2014:* Michael Mattick, Water Master, stopped in to discuss some possibilities. City Engineer Jon Erwin is currently researching the implications. I hope to have more information at for the meeting.

**Active: GR-12 Update** – See information above.

*From 05.27.14:* The costs, as approved by Council at last meeting, have been budgeted for FY 2014-2015.

**Active/Pending: Water Rights** – *From 10.28.2014:* Oregon Water Resources Department extended the City's water rights as requested by the City's Attorney, Schroeder Law.

*From 09.23.2014:* City Engineer Jon Erwin, Public Works Superintendent Karl Frink and I had a conference call with Schroder Law representatives Mr. Wyatt Rolfe and Mr. Brian Sheets to curtailment and recent implications regarding a ruling against the City of Cottage Grove. Implications of that case are far reaching and the case has been sent to the Oregon Supreme Court. I will discuss some of the details at the meeting. The outcome of the phone call was that the City has asked Schroeder Law to request that Oregon Water Resources Department (OWRD) place on a hold on two of the City's primary water rights. Surface water right S – 47733 and groundwater right G – 13221 until the Oregon Supreme Court rules on the Cottage Grove case.

Mr. Rolfe confirmed the City's ability to develop the GR-12 redevelopment effort. The City has no implications for that right in regards to the recent Cottage Grove ruling.

**Active: Main Street Water Line Estimate** – Erwin Consulting is currently working on the engineering this project.

*From 05.27.14:* The costs have been budgeted for FY 2014-2015.





**Central Linn Recreation Association Proposal** – Staff has worked well together on this project. We are still "ironing out the kinks" but overall things are going as well as can be expected.

*From 07.22.2014:* CLRA signed the agreement with the City. Staff met with President George Frasier to address an emergency situation regarding a concussion policy. We still need to develop a proper strategy and timeline due to vacation schedules.

**Pending: Water Line Projects** – As of Monday the 8<sup>th</sup>, the Surveyor is finished with the field work and in another two weeks should have the mapping to the City.

*From 11.25.2014:* Surveyor is a few weeks behind, but that is not a concern yet.

*From 09.23.2014:* Staff met with City Engineer Ryan Quigley to discuss project timelines and logistics for the three waterlines listed below. The City will attempt to put those projects out to bid as a single contract in February or March 2015. Erwin Consulting will begin drawing up the plans, surveying the sites and working on the regulatory requirements for those installations.

### **NEW INFORMATION – Notable situations that have developed after the last Council meeting**

- ▶ *Umpqua Bank is interested in coming to Brownsville. They will be holding some meetings to get pledges toward the deposit total they need to be viable here and to gather ideas on what the banking needs of the community are. The City will be hosting a meeting on January 6<sup>th</sup>, 2015 at 7:00 p.m. here at City Hall as part of the community discussion process. Mayor Ware and I will be putting together a letter for a mass mailing to inform the general area of the opportunity including the City of Halsey.*
- ▶ *Linn County held a hearing on December 10<sup>th</sup> and considered changes to the Outdoor Mass Gathering (Assembly Code) ordinance. Linn County Staff provided copies of those changes to the Bi-Mart Country Music Festival folks on December 2<sup>nd</sup> which was a day earlier than their deadline.*
- ▶ *BCS is working to finished the 2013-2014 audit.*
- ▶ *Neighborhood zoning issues continues to churn at 1118 Oak Street.*
- ▶ *Paving projects were postponed until Spring 2015 due to unfavorable weather conditions.*
- ▶ *The Council appointed Marijuana Committee met.*
- ▶ *Councilor Cole & Staff met with Jon Brockman.*



### **STATUS UPDATES – Projects, proposals and actions taken by Council**

**Active: City Hall Phase I** – Mr. Sedlar is finishing up the concrete caps. Public Works will be making time for this project this Winter.





*From 07.22.2014:* The City recently retained the services of Mr. Steven Sedlar to help with the capstones for this project. Later this Fall, Staff will begin Phase II of the project which includes the installation of the grass.

**Garbage Language** – Below is the City of Albany's language that may be useful:

**18.30.260 Accumulation of rubbish or garbage.**

All exterior property and premises, and the interior of every structure, should be free from any accumulation of rubbish or garbage so as not to harbor insects and rodents, produce dangerous or offensive gases, odors and bacteria, or other unsanitary conditions, or create a fire hazard. (Ord. 5647 § 1 (Exh. C), 2006).

**18.30.265 Disposal of rubbish.**

Every occupant of a structure should dispose of all rubbish or garbage in a clean and sanitary manner by placing such rubbish or garbage in containers which are free from holes and covered with tight-fitting lids. (Ord. 5647 § 1 (Exh. C), 2006).

The City would also need to consider a time frame that is appropriate and a procedure to abate quickly. If this sounds better, Staff can proceed with further research.

**Active: McFarland Cascade Update** – McFarland is coming along nicely with their project.

**Active: Economic Development Process** – Council and Staff continue working on these issues.

*From 05.27.14:* Staff had an opportunity to explain some of the finer points of Urban Growth Boundary expansions and history and the State of Oregon at the last Chamber of Commerce meeting. Hopefully, this will lead to better understanding of the requirements that must be met for such a procedure.

**Active: Visit Linn Coalition (VLC) Update** – VLC has been working on redeveloping their goals. Administrative Assistant Jannea Deaver has been attending these meetings also.

*From 06.24.2014 meeting:* After five years of trying, Staff met with officials from the Oregon Jamboree and the Willamette Country Music Festival to discuss possibilities of working together and moving toward some kind of understanding. Chamber President John Morrison and Ford Foundation's Jo Ann McQueary were also at the meeting as partners.

**Pending: John Voight & Sage Street** – *From 05.27.14:* Staff spent considerable time and resources investigating possibilities for Mr. Voight to improve Sage Street. Mr. Voight's lawyer has contacted the City and discussed the issues involved in coming to an agreement as well. Currently, Staff is waiting to hear back from Mr. Voight's lawyer. Staff expressed several developmental concerns based on topography and state flood regulations. The City also has a concern about the future maintenance of the roadway and possible future implications for property owners.

**Pending: Emergency Contractor Resolution Concept** – *From 11.25.2014:* Staff is planning to host a meeting to discuss this and other concepts with a group of individuals who are interested in helping the City work in this effort. Staff is dealing with false comments that came out regarding the Brownsville Rural Fire District. The City seeks only to work with community stakeholders and partners on these issues in the future. Cooperation is the hallmark of this effort.



Council approved moving forward with this idea at the last meeting (10.28.2014) –

*From 10.28.2014:* The idea is to create a resolution as follows:

***Administrator's Report***



- Level I      A business that has products and services the City may need in the event of an emergency. (*Examples include Northern Rock Supply, Curtis Excavating, Carlson's Hardware and so on.*)
- Level II     An organization that has space that could be used for mass gatherings. (*Examples include area churches, the Rec Center, the Central Linn School District and so on.*)
- Level III    Individuals who have particular skills that could provide service in the event of an emergency. (*Examples include Bill Sattler, Chad Hein, Alan Klinkebiel, Gary Shepherd, Todd Karo and so on.*)

The City would maintain a record of the businesses, organizations and individuals and the resolution would cover the details of how compensation would be made, how items were to be procured, and all the other requirements of FEMA. By doing this, it would simplify the process considerably.

**Pending: Central Linn School Meetings** – Nothing new to report.

**Pending: Recreational Vehicles & Travel/Storage Trailers** – *From 06.24.2014 meeting:* Please refer to the report entitled, "2014 Proposed Changes (First Installment)" that is included as part of the packet for more details. Staff will also be providing a brief presentation regarding this and other zoning issues as have been previously discussed at the Council Retreat on April 19<sup>th</sup>.

**Pending: Historic Registry & Downtown Buildings Update** – *From 01.29.2014 meeting:* Kuri Gill & Ian Johnson from the State Historic Preservation Office (SHPO) gave a very informative presentation to many members of the Chamber earlier this month. I have enclosed the minutes for your review. I will also expound on some of the details. Councilor Cole and Joni Nelson are hoping to work through the Chamber to do a follow-up on the formation of an historic district. I have received a few calls from property owners who are very concerned about the possible implications.

*From previous reports:* Mrs. Joni Nelson and I had a conversation about this topic on November 1<sup>st</sup>, 2013. Joni wants this to be a grass roots effort through the Chamber of Commerce. She told me that she does not want to come to Council. She indicated that she has talked with Sharon McCoy, John Morrison and Aimee Addison who all support the idea. I asked her if she has talked to Victor Carlson, Steve LaCoste, Joe Ervin, Joe DeZurney, Bob Anderson, Kelly Corbett and Al Cieri who actually own most of the buildings as was discussed at Council meeting. She said that she has not just yet, but is preparing to have a representative of the State come to the January Chamber of Commerce meeting to discuss the program and the process. Joni wants everyone to understand the benefits of adopting such a program which could include additional signage on I-5.

**Pending: Canal Company Update** – Several things have transpired that I will report at Council meeting.

*From 05.27.14:* The City continues to be willing to work toward a quasi-governmental agreement that may assist the Canal Company by better serving those who benefit from the canal.



*From 04.22.2014:* Councilor Cole will provide a brief update.

*From last meeting:* The City will be meeting with Canal Company leadership later this year to determine a plan for action.

*From last meeting:* The annual meeting of the Brownsville Canal Company happened on May 6<sup>th</sup>, 2013. I will have an oral report for Council.

*From a past meeting:* Canal Company Leadership is still working on legal representation, official tax status and setting a date for their annual meeting.

*From a past meeting:* As reported at last Council meeting, Canal Company Attorney Deb Dyson has stepped down as their attorney citing a change in her law practice. I am still waiting to hear from the Canal Company to determine who their new attorney will be and if they have remedied the issue regarding their IRS status.

## **PAST MEETINGS – Memory Information**

**Moody Court & Unenumerated Nuisance** – Due to the quick turnaround of Council meeting, Staff will review the situation with all of the neighbors in January. Staff did perform two visual inspections of the area which looked "cat" free.

*From 11.25.2014:* The City has paid out \$2,875 to have cats removed from the neighborhood. The City forwarded the letter that is part of the packet at the request of Council. Staff will have an oral report for the meeting.

*From 07.22.2014:* The quickest way to handle the situation on Moody Court as reported by Heather Dillon & Shannon Cason at the last meeting, is to use the Brownsville Municipal Code below:

**Pending: Park Board: Street Tree Plan (Referred to Committee)** – *From 10.28.2014:* Council requested the Historic Review Board review the recommendation made by the Park Board for the Spaulding Street planter box design. Staff will provide additional information at an upcoming meeting. Council also asked about incorporating language that would require the Historic Review Board to automatically review recommendation that pertain to the Old Town Commercial Zone.

**Sweet Home Economic Development Group** – *From 10.28.2014:* Chamber President Jon Morrison and I were put on hold in our efforts to discuss partnership options with this group.

**Pending: Darrin Lane & Kirk Avenue** – *From last meeting:* I had an extensive conversation with Linn County Road Master Darrin Lane recently. Mr. Lane gave a brief history of the Kirk Avenue concept, to which I have added a little research, which is as follows:

*March 5<sup>th</sup>, 2001:* Kirk Avenue is initially discussed at Council meeting with Mr. Lane and the County Commissioners. County must determine how to a City street a County road in order to expend funds for the proposed improvements.

***Administrator's Report***





*Spring 2002:* The County indicates to the City that it is possible for the County to deem Kirk Avenue a County interest based on McKercher Road. The City starts planning for drainage projects.

*October 2006:* The City completes the Galbraith Street storm sewer project.

*February 28<sup>th</sup>, 2008:* Linn County Road Master Darrin Lane discusses the logistics of Kirk Avenue with Council. Survey crews are sent to town shortly thereafter to work on a rough design. There are several rules and requirements and multiple property issues that are cause for concern for any proposed construction project.

Meanwhile, County Staff is working on developing the Gateway project in conjunction with the Oregon Department of Transportation. City Staff is focusing on the multimillion dollar Wastewater project. The Economy starts falling apart. The Veterans Hospital is announced in Lebanon. Linn County Commissioners move a whopping \$19,000,000 out of the Road Department's funds to assist with the development. The Commissioners have also taken a \$2,000,000 from the Road Department to assist the Sheriff's Office funding issues. The Road Department is not as financially stable as it was in 2001 or even 2007 for that matter.

*2009-2010:* Several update conversations.

*January 2011:* Council asks for an update. The County indicates that they will not start a new project until the Gateway project is complete.

*June 2012:* Council decides to scale back the project to an overlay.

*June 22<sup>nd</sup>, 2012:* Staff meets with Mr. Lane who felt that the first block from Main to Averill could be done with curbs and sidewalks. The rest of Kirk Avenue could be an overlay. Mr. Lane projected the cost to be between 600,000 & \$800,000. Lane indicated that in the next year or two the County would probably be able to get this project. Lane also indicated at that time that the City would not need to financially participate, if we could be patient.

Mr. Lane indicated that his Department is currently overloaded with Federal bridge projects. The County is still interested in helping the City but timing is difficult.

### Outcome

If the City is in a hurry to get the project completed, they can set up a local improvements district (LID) and assess the costs to the affected properties or the City can wait until it is budgeted in Linn County's budget.

What does Council want to see on Kirk Avenue? Overlay or reconstruction?

*From the September 4<sup>th</sup>, 2012 meeting:* Darrin Lane Stopped for a visit on August 7<sup>th</sup> and indicated that County Engineer Chuck Knoll is working on the subsurface investigations.

*From a past meeting:* The Council recently reported that they have enough money for a sign in Pioneer Park. If the City is willing to install the sign, they are willing to have it constructed. The City should be receiving a proof of what the sign looks like in the near future.

**WNHS Update** – *From 05.27.14:* Administrative Assistant Jannea Deaver will be attending some of these meetings with any future. Currently the board is considering language and rules for manufactured housing.

*From past meetings:* The Board recently passed a few changes to enable WNHS greater flexibility in helping clients. The City also features their information downstairs in the foyer and on the website. The group is asking Linn County to be the sponsor of the new grant application. I've enclosed some



information for your review from the meeting last week. They would like to get the word out on a few programs that will help stave off foreclosures. Please refer citizens to the following websites for more information:

<http://www.oregonhomeownersupport.gov> & <http://w-nhs.org>

Several things are being discussed that will affect the future financial well-being of WNHS and the partnership with LCHRP (Linn County Housing Rehabilitation Program.) WNHS provides many home rehabilitation services and counseling for those in need.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Sm".

S. Scott McDowell



## Public Works Report December 10, 2014

Karl Frink, Public Works Superintendent

### Water:

- *Billing Support*- Follow through on customer service support and requests.
- *Meter reading* – Water meters will be read on December 15<sup>th</sup> and 16<sup>th</sup>..
- *Distribution System* – Nothing to report at this time.
- *Cross Connection Program*- I continue to work on the annual inspections of the water system to identify and correct any unsafe condition that may exist.
- *Water Treatment Plant* –All of the parts needed to replace the infiltration gallery pumps have arrived. Filter one has been cleaned and scraped, once back online, we will begin cleaning and scraping filter three.
- *Misc.* – Nothing further to report this month.

### Sewer:

- *North Lagoons* – Discharge from this facility began December 8<sup>th</sup> and will continue until the lagoon levels reach 3 feet.
- *South Lagoons*- All of the instruments and equipment has been cleaned, tested and repaired as needed for the upcoming discharge season. Discharge will begin at this facility once discharging is complete from the North Facility.
- *Collection System*- Nothing to report this month.
- *Misc.* – Nothing further to report this month.

### Streets:

- *Mowing/Tree Maintenance* – Trees are trimmed on an as-needed basis.
- *Asphalt/ Gravel Road Maintenance* – All gravel streets will be graded in December. The decision has been made to hold off on paving city streets until spring.
- *Storm Drainage* – Nothing to report this month.
- *Misc.* – Nothing further to report

### Parks:

- *Pioneer Park* –Leaf clean up is under way, we using our new mowers with baggers this year to clean up the majority of the leaves in the park. So far this method has been very effective.
- *Blakely Park* – Neal and Sue Karo cleaned up all the leaves at this facility.
- *Kirk's Ferry Park* – The drinking fountain for this facility has arrived and will be installed soon. Leaf clean up will begin once Pioneer Park is complete.

### Cemetery:

- *Grounds* – Nothing to report this month..

### Library:

- *Grounds*- Leaf clean up will begin once Pioneer Park is complete..
- *Buildings*- The hot water heater has been repaired. A loose toilet seat was also repaired.

### **Downtown**

- *Restrooms* – This facility is cleaned every Friday, or more often needed. The last few weeks we have seen an increase in vandalism in the restrooms. People seem to want to facilitate their business on the floors and walls rather than in the toilets. Both door latches have been replaced.
- *Garbage cans* – Down town garbage cans are emptied every Friday, or more frequently as noticed.
- *Parking Lot* – Nothing to report this month.
- *Misc.* – Nothing additional to report this month.

### **City Hall:**

- *Buildings*- A leaking toilet has been repaired.
- *Grounds* –The landscape project in front of City Hall is under construction.
- *Community Center*- A broken door latch to one of the restrooms has been repaired.

### **Rec. Center:**

- *Grounds*- The grounds are maintained as needed.
- *Buildings*- We are awaiting estimates to have the stage lights replaced. The gym drinking fountains have been replaced, we are waiting for electricity to operate the cooler portion of the fountains.

### **Public Works:**

- *Grounds*- Leaf clean up is under way as time allows..
- *Buildings*- Cleaning and organizing continues as time allows. The printer for public works has been replaced.
- *Misc.* – Preventative maintenance is being performed on all the vehicles and equipment. All of the equipment at public works has been repaired and ready for use. The public works computer failed due to corrupt hardware. The files from the hard drive have been recovered and are in the process of reorganizing for easy access.



# LINN COUNTY SHERIFF'S OFFICE

**Bruce W. Riley, Sheriff**

1115 S.E. Jackson Street

Albany, OR 97322

Phone: 541-967-3950

www.linnsheriff.org

## 2014

### MONTHLY REPORT TO THE CITY OF BROWNSVILLE FROM THE LINN COUNTY SHERIFF'S OFFICE

**FOR THE MONTH OF:**

**November**

<b>TRAFFIC CITATIONS: -----</b>	<b>6</b>
<b>TRAFFIC WARNINGS: -----</b>	<b>5</b>
<b>TRAFFIC CRASHES: -----</b>	<b>1</b>
<b>ADULTS CITED / VIOLATIONS: -----</b>	<b>0</b>
<b>ADULTS ARRESTED: -----</b>	<b>3</b>
<b>JUVENILES CITED / VIOLATIONS: -----</b>	<b>0</b>
<b>JUVENILES ARRESTED: -----</b>	<b>0</b>
<b>COMPLAINTS/INCIDENTS INVESTIGATED: -----</b>	<b>45</b>
<b>TOTAL HOURS SPENT IN:                      BROWNSVILLE</b>	<b>214</b>

**70 PERCENT COVERAGE OF TWO DEPUTIES PER MONTH= 202 HOURS**

**Bruce W. Riley,  
Sheriff, Linn County**

**By: Sgt. Brad Kelley**



PATRL\_RPT#2 City Incident Report

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	ST #	ADDRESS	CITY	DESCRIPTION
143340105	11/30/14	9:34:18	WARRANT SERV	911	OAK ST	Brownsville	No Additional Report Necessary
143330217	11/29/14	15:23:59	Trf Aggressive Driver	100	WALNUT AV	Brownsville	CITE ISSUED - AGGRESSIVE DRIVER
143330127	11/29/14	10:14:12	BURGLARY REPORT	515	FISHER ST	Brownsville	Incident Report
143320296	11/28/14	22:42:09	Trf Equipment Viol	100	E BISHOP WY	Brownsville	WARNING - EQUIPMENT VIOLATION
143300266	11/26/14	15:21:16	THREATS	255	N MAIN ST	Brownsville	No Additional Report Necessary
143290143	11/25/14	11:46:16	PROP-FOUND	194	KIRK AV	Brownsville	No Additional Report Necessary
143290054	11/25/14	6:19:46	Trf Aggressive Driver	811	N MAIN ST	Brownsville	CITE ISSUED - AGGRESSIVE DRIVER
143280318	11/24/14	18:43:56	DISTB-OTHER	811	N MAIN ST	Brownsville	No Additional Report Necessary
143280188	11/24/14	14:09:55	CHILD ABUSE REPORT		ROBE ST	Brownsville	No Additional Report Necessary
143270112	11/23/14	11:55:00	JUV-COMPLAINT	331	E BLAKELY AV	Brownsville	No Additional Report Necessary
143260255	11/22/14	18:31:43	OVERDOSE	1188	LINN WY	Brownsville	CAD Report
143260175	11/22/14	14:10:50	ANIMAL - DEER	706	AMELIA AV	Brownsville	No Additional Report Necessary
143260146	11/22/14	12:33:24	ALARM - POLICE	204	N MAIN ST	Brownsville	Cancelled by Caller
143250396	11/21/14	23:02:42	THEFT-RPT	255	N MAIN ST	Brownsville	Incident Report
143250158	11/21/14	12:13:35	UNAUTHORIZED ENTRY TO M	1111	N MAIN ST	Brownsville	Incident Report
143240487	11/20/14	22:46:35	SUSP-VEHICLE	135	PARK AV	Brownsville	No Additional Report Necessary
143240347	11/20/14	16:40:20	WELF CHECK	200	HAUSMAN AV	Brownsville	No Additional Report Necessary
143240169	11/20/14	12:00:43	MVC-NON INJURY	27910	SEVEN MILE LN	Brownsville	No Additional Report Necessary
143240169	11/20/14	12:00:43	MVC-NON INJURY	27910	SEVEN MILE LN	Brownsville	CITE ISSUED - MOVING VIOLATION
143230354	11/19/14	21:32:23	TRAFF-DUII	419	N MAIN ST	Brownsville	Incident Report
143230270	11/19/14	15:53:34	Trf Equipment Viol	200	VROMAN AV	Brownsville	WARNING - CELL PHONE USE VIOLATION
143230221	11/19/14	13:29:02	Trf Observe Susp Activity	200	N MAIN ST	Brownsville	WARNING - SEATBELT VIOLATION
143230010	11/19/14	0:37:07	FOLLOW UP-OUT OF CAR	200	HAUSMAN AV	Brownsville	Focus Patrol
143220124	11/18/14	10:09:06	ALARM - POLICE	146	SPAULDING AV	Brownsville	No Additional Report Necessary
143220113	11/18/14	9:39:22	WARRANT SERV	415	TEMPLETON ST	Brownsville	No Additional Report Necessary
143200142	11/16/14	12:37:19	HARASSMENT RPT	753	TEMPLETON ST	Brownsville	No Additional Report Necessary
143200121	11/16/14	11:29:09	Trf Aggressive Driver	299	S MAIN ST	Brownsville	CITE ISSUED - AGGRESSIVE DRIVER
143190126	11/15/14	10:54:22	ALARM - POLICE	101	PARK AV	Brownsville	No Additional Report Necessary
143180253	11/14/14	15:47:00	ASST-OUTSIDE AGENCY	420	AVERILL ST	Brownsville	No Additional Report Necessary
143170302	11/13/14	18:25:43	ALARM - POLICE	511	SPAULDING AV	Brownsville	No Additional Report Necessary
143170225	11/13/14	15:08:05	SUSPECT CONTACT - FOLLOW	200	HAUSMAN AV	Brownsville	Civil process atempted, not served
143160028	11/12/14	2:30:15	ALARM - POLICE	111	STANARD AV	Brownsville	No Additional Report Necessary
143160007	11/12/14	0:31:11	Trf Speed Viol	1	E HWY 228	Brownsville	WARNING - SPEEDING VIOLATION
143150136	11/11/14	10:59:39	WELF CHECK	150	LOCUST AV	Brownsville	MDT Narrative Update
143140199	11/10/14	12:30:21	Trf Aggressive Driver	800	OAK ST	Brownsville	CITE ISSUED - AGGRESSIVE DRIVER
143140192	11/10/14	12:17:19	INTOX SUBJ	411	N MAIN ST	Brownsville	No Additional Report Necessary
143140115	11/10/14	9:29:39	SUSP-VEHICLE	200	N MAIN ST	Brownsville	MDT Narrative Update
143130194	11/09/14	16:45:03	SUSP-PERSON	35645	KIRK AV	Brownsville	No Additional Report Necessary
143130137	11/09/14	12:49:58	SUSP-PERSON	220	S MAIN ST	Brownsville	No Additional Report Necessary
143120104	11/08/14	9:07:37	ASST-OUTSIDE AGENCY	305	KIRK AV	Brownsville	No Additional Report Necessary
143120059	11/08/14	4:02:28	PROWLER RPT	553	SPAULDING AV	Brownsville	No Additional Report Necessary
143110314	11/07/14	19:20:24	ANIMAL - DEER	220	S MAIN ST	Brownsville	No Additional Report Necessary

PATRL\_RPT#2 City Incident Report

CAD Call#	ENTRY DATE	ENTRY TIME	CALL DESCRIPTION	ST ##	ADDRESS	CITY	DESCRIPTION
143110145	11/07/14	11:15:41	NEGLECT		E WASHINGTON AV	Brownsville	No Additional Report Necessary
143100358	11/06/14	21:46:43	Trf Moving Viol	299	S MAIN ST	Brownsville	WARNING - MOVING VIOLATION
143100297	11/06/14	17:35:15	BURGLARY REPORT	746	TEMPLETON ST	Brownsville	No Additional Report Necessary
143080362	11/04/14	21:34:07	VEH-ABANDONED	333	N MAIN ST	Brownsville	No Additional Report Necessary
143080174	11/04/14	11:58:41	DISPUTE-NEIGHBOR	500	LOUCKS WY	Brownsville	No Additional Report Necessary
143070139	11/03/14	10:58:44	PROPERTY SEIZURE/EVIDENC	1004	OAK ST	Brownsville	Incident Report
143070114	11/03/14	9:38:48	NEGLECT		MILLHOUSE ST	Brownsville	No Additional Report Necessary
143070107	11/03/14	9:17:58	SUSP-VEHICLE	1004	OAK ST	Brownsville	No Additional Report Necessary
143060243	11/02/14	20:40:30	TRESPASS	728	KIRK AV	Brownsville	No Additional Report Necessary
143060096	11/02/14	8:13:38	JUV-COMPLAINT	305	KIRK AV	Brownsville	No Additional Report Necessary
143060034	11/02/14	1:25:18	WARRANT SERV	529	ROBE ST	Brownsville	No Additional Report Necessary
143060029	11/02/14	1:07:44	WARRANT SERV	200	WILLSON AV	Brownsville	No Additional Report Necessary
143060023	11/02/14	1:58:41	SUSP-VEHICLE	200	WILLSON AV	Brownsville	CITE ISSUED - DWS/NO ODL
143050167	11/01/14	13:45:54	SUSP-PERSON	217	KIRK AV	Brownsville	No Additional Report Necessary



## Library Advisory Board

### *Librarian's Report*

November 2014

Our Display Case Coordinator Jennifer Ashcraft is doing a terrific job organizing interesting displays in the Library Display Cases. A group representing Friendship International came through this summer and brought a few items from their area of Japan. Mayor Ware thought this might make a great display in our cases and his wife contributed a few more items from Korea to round out our display and it looks lovely. Stop by and see the monthly displays.

The Friends of the Library are all set to host the annual book sale here at the Library December 6 through 13 during normal Library hours. The Summer Reading Program is growing and the Friends are looking for more ways to raise funds to locally support this program. Offering gift wrap for donations on Saturday, December 16, a 2015 Library Calendar and quality Brownsville Library book bags are just a few ways they are raising funds to keep these programs viable.

Here are a few facts about our library the month of November 2014. We have received 42 new books for the library. Volunteers donated 85 hours to our library. There were 1,124 materials checked out. 363 adult fiction books; 125 adult non-fiction books; 60 audio books; 194 children's books; 250 junior books; 54 junior reference books and 78 large print books. We held 9 Story Times this month with 71 moms and children attending!

Respectfully submitted,

Sherri Lemhouse  
Librarian

**BROWNSVILLE MUNICIPAL COURT MONTHLY REPORT  
STATISTICAL REPORT FOR THE MONTH OF NOVEMBER 2014**

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	47	1	0	48	
Violations	18	5	1	22	
Contempt/Other	42	1	0	43	
<b>TOTALS</b>	<b>107</b>	<b>7</b>	<b>1</b>	<b>113</b>	

**BALANCE SHEET FOR THE MONTH OF NOVEMBER 2014**

**Court Revenue**

**Court Payments**

Total Deposits +	\$ 2,468.00	City	\$2,112.70
Total Bail Forfeits +	\$ -	Restitution	\$ 35.00
Total Bail/Bank Fees -	\$ -	Oregon Dept Revenue	\$ 290.72
Total Bail Held -	\$ -	Linn County	\$ 29.58
* Total Refund/Rest	\$ -	State Misc.	\$ -
Total NSF's -	\$ -	DUII Surcharge	\$ -

**TOTAL COURT REVENUE** \$ 2,468.00      **TOTAL COURT PAYMENTS** \$2,468.00

Credit given for Community Service      \$ -

Other Credit Allowed Against Fines      \$ -

**TOTAL NON-REVENUE CREDIT ALLOWED** \$ -

**TOTAL CASH PAYMENTS TO:**

CITY	\$ 2,112.70
STATE	\$ 290.72
COUNTY	\$ 29.58
 *REFUND/RESTITUTION	 \$ 35.00

**ACCOUNTS RECEIVABLE:**

BEGINNING	\$ 2,532.59
ENDING	\$ 2,966.18



## 2013-2014 Council Goals

### ***Who we are?***

Brownsville is a City that is proud of its past while constantly improving toward the future for the benefit of our citizens. We are a group of citizens that honor each other by carefully balancing the social contract (Brownsville Municipal Code) to keep peace and order. The Brownsville Municipal Code and Comprehensive Plan help define the role of the City. Organizational transparency is a focus of Council. Council is working closely with Staff, volunteers, civic organizations, appointed officials and the citizenry to execute identified goals and carry out the responsibilities of the City.

Brownsville has a tremendous sense of place and synergy between City Hall and our residents. Active citizens are the true strength of Brownsville as evidenced by the volunteers who give freely of themselves to provide many municipal functions and civic services. Many civic organizations implement their missions actively in our community which provides a quality of life and vibrancy that is uncommon. Community events are planned and designed to invite people into town to share what Brownsville has to offer.

Council recognizes that many civic organizations and the City government are working diligently on implementing organizational development concepts in order to more efficiently provide services. Council recognizes that we are in a transition period between an authoritative model and are collectively moving to a new, participatory approach throughout the community.

### ***What do we want for Brownsville?***

Brownsville should honor the past, maintain a healthy present and strive to assure a dynamic future by focusing on fundamental municipal services such as:

- |                         |                            |
|-------------------------|----------------------------|
| 1. Treasury Health      | 7. Contract Administration |
| 2. Water                | 8. Personnel               |
| 3. Sewer                | 9. Police Protection       |
| 4. Capital Improvements | 10. Municipal Court        |
| 5. Parks                | 11. Library Services       |
| 6. Streets              | 12. Planning & Zoning      |

## **GOALS**

### ***Securing Water & Water Rights***

- Currently working on the redevelopment of the GR12 well site east of the Main Street bridge.
  - Council has determined that this water source would double the current water capacity for the City.
  - Council is determining the quality of the water.
  - Council is developing cost estimates for the most viable options.
  - Council is exploring the Federal & State requirements for this water source.



## 2013-2014 Council Goals

### ***Where are we now?***

- GR 12 is a viable source.*
- Erwin Consulting developed cost estimates for two approaches.*
- Council authorized one cost estimate to be included in the FY2014-2015 Budget.*
- Determine Federal & State implications.*
- Verified source viability with Schroeder Law on September 16<sup>th</sup>, 2014.*
- Project is currently being engineered.*
- OWRD granted extension on both the ground water and surface water certificates until the City of Cottage Grove's case is reviewed by the Oregon Supreme Court.*
- Schroeder Law exploring a new angle on the OWRD administrative front.*
- **Exploring Additional Resources**
  - **Options include exploring the procurement of upstream water rights and other possibilities that exist in other areas of Brownsville.**

### ***Where are we now?***

- Continue to monitor additional opportunities.*

### ***Economic Development Plan***

- **The two chief focuses of Economic Development are 1) retaining existing business and 2) attracting new business.**
- **Land Purchase**
  - **Council is researching legal requirements for purchasing & selling land.**
  - **Council is examining the implications of purchasing land.**
  - **Council is considering possible civil engineering needs.**

### ***Where are we now?***

- City Attorney Ross Williamson explained that cities do not have the authority under State law to sell land directly to one party. The land must be put out for public auction. The City had to modify the plan to purchase and market land for development purposes.*
- Council learned of a new imminent Federal law (Biggert Waters Act) that would make development impossible within a certain distance of a water source that has been identified as hosting endangered species.*
- Council will not spend money on civil engineering costs surrounding a development. Council may cost share in development once it begins depending the service coverage for the general public and future implications.*
- Council has forged a solid working relationship with McFarland Cascade which could lead to future development opportunities for Brownsville.*



## 2013-2014 Council Goals

- ☑ *The City has been approached about several developing opportunities for Brownsville if land should become available.*
- ☑ *The City continues to work toward cooperation between Linn County and the BWCMF and surrounding property owners.*
- **Community Amenities**
  - Council would like to encourage and facilitate a Senior Living Facility to be developed in Brownsville.
  - Council would like to encourage and facilitate Youth Activities by continuing to work in partnership with the Central Linn Recreation Association and by fostering a better partnership with the Central Linn School District.

### **Where are we now?**

- ☑ *Mayor Ware began discussions as "Citizen Ware" to develop the idea of a Senior Living Facility. Staff provided background research and cost estimates.*
- ☑ *Council instructed Mayor Ware to be careful not to implicate Council or City involvement. The investment should be from the private sector.*
- ☑ *The Rec Center is working on several initiatives for funding.*
- ☑ *Council & CLRA continues to work closely on events and Park uses.*
- ☑ *Council & CLRA approved an updated agreement.*
- ☑ *Council discussed the implications of purchasing property on behalf of the Central Linn School District.*
- ☑ *Staff has been working with CLSD & the City of Halsey on possible locations and facilities for the District.*
- ☑ *Council entered into an agreement with the CLRA to assist with programmatic and organizational developments pieces in July 2014.*

### **Community Development Plan**

- **Adopting a Brownsville Development Plan**
  - Council is actively auditing City zoning rules and requirements.
  - Council is implementing new policies regarding issues including, but not limited to, mixed-use options, garage sales, recreational vehicles use, zoning permits and other administrative processes.
  - Council is reviewing requirements toward adopting a comprehensive model for proper growth and development.
  - Council is developing Public Works standards.

### **Where are we now?**

- ☑ *Administrative Assistant Elizabeth Coleman has re-developed many of the forms that haven't been updated since the late 1980's.*



## 2013-2014 Council Goals

- ☑ *Staff asked for policy changes in October 2013 but Council was not ready to make changes.*
- ☑ *Public Works Standards are with the City Engineer for review.*
- ☑ *Public Works Standards are in the process of being approved by Council.*
- ☑ *Accessory Structures and fences are currently in the process of being approved by Council.*
- **Sidewalk Inventory**
  - **Council is actively working on developing a sidewalk program.**
  - **Council will determine action steps once the inventory is complete.**

### ***Where are we now?***

- ☑ *An initial sidewalk inventory is complete.*
- ☑ *The sidewalk inventory still needs Council approval.*

### ***Capital Improvements Plan***

- **Water Plant & Distribution**
  - **Council has contracted for the repair of the Water Treatment Plant (WTP) computer system.**

### ***Where are we now?***

- ☑ *System is installed and running properly.*
- **Council has budgeted for a new emergency generator for the WTP.**

### ***Where are we now?***

- ☑ *Staff has not had time to complete this project.*
- ☑ *Funds were budgeted for FY 2014-2015.*
- **Council understands that the City is in need of a new 1.1 million gallon reservoir which will be part of a new water treatment plant in 2022.**

### ***Where are we now?***

- ☑ *Part of future bond project.*
- ☑ *The implication of this project on the System Development Charges (SDC) is significant. Any changes to the methodology would require this improvement to be used in the calculation of SDC. The end result would be a significant increase in the SDC which is counterproductive to attracting new development.*
- **Council understands there are a few critical water lines that need to be replaced including the Main Street waterline.**

### ***Where are we now?***

- ☑ *Main Street line failed on December 13<sup>th</sup>, 2013. Council created a plan for temporary repair of the line that will be included in the FY 2014-2015 Budget.*





## 2013-2014 Council Goals

- ☑ *Council budgeted for the Main Street line, the Averill Street line and for the redevelopment of the GR 12 site in FY 2014-2015. All projects are currently in being engineered and are expected to be ready for bid as one project in March of 2015.*
- ☑ *Public Works just finished a significant 12" water line loop on School Avenue which will protect against catastrophic failure of the north part of the City's water distribution system.*
  - *Council is currently repairing the Calapooia Crossing waterline this upcoming fiscal year.*

### **Where are we now?**

- ☑ *Project is complete.*
- **Wastewater Treatment & Collections**
  - *Council has budgeted for a well for the South Plant.*
  - *Council understands that nearly 45% of the collection lines are in need of replacement.*
  - *Council is aware that the Millhouse line will be a priority in FY 2014-2015.*

### **Where are we now?**

- ☑ *Staff has prepared plans for the construction of this project in FY 2014-2015.*
- ☑ *The project is complete pending the final testing on four manholes. The City expended an additional \$37,350 for the water line to be extended from Kirk Avenue up Millhouse and had \$29,995 in additional pavements work due to subsurface conditions. The City has completed this project.*
  - *Council is conducting visual inspections of the collection system to determine priorities.*
- **Kirk Avenue Improvements**
  - *Council has determined that the first block of Kirk from Main Street to Averill Street will be fully reconstructed with sidewalks, curb and gutter improvements. The remainder of Kirk Avenue will be a grind and overlay project.*

### **Where are we now?**

- ☑ *Linn County Road Master is including a route through Brownsville for the Bi-Mart Willamette Country Music Festival. Hopefully, this will help speed the process up for Linn County.*
- ☑ *The City will work in conjunction with the Festival and the Linn County Road Department to perform traffic counts in Jul 2015 and then during the Festival 2015 to have empirical data about the increase in traffic for the event.*
- ☑ *Council approved the additional route at the request of the Linn County Commissioner's in 2014. The route seemed to work due in large part to the Linn County Sheriff's Office running traffic on the road during the event and placing the electronic speed sign as an effort to slow motorists down. The only complaint received was from Kaye Fox who apparently kept traffic*



## 2013-2014 Council Goals

*data of her own which she forwarded to the Linn County Commissioners. Her information was part of the public documents for the September 24<sup>th</sup>, 2014 hearing for the Festival's 2015 & 2016 applications.*

- Council determined that Linn County will put the improvement on their capital improvements list which will hopefully be no later than FY 2014-2015.
- Council's only other alternative is to execute the project as a City project and assess all abutting property owners according to the project cost.

### **Staff & Organizational Development**

#### ▪ Titles Changes

- City Hall Staff recently revamped job descriptions along with organizational responsibilities to better reflect duties.

#### **Where are we now?**

- ☑ *In process. CIS recently released the updated policy handbook. Staff hopes to have this to Council by the end of 2014. Due to shifting priorities, Staff has had great difficulty finding the needed time to spend on this important item.*
- The goal is to cross-train all City Hall Staff in all responsibilities. Having job descriptions such as Utility Billing Clerk and Planner limit the scope of the employee which has historically caused job dissatisfaction and lack of cooperation toward executing proper cross-training.

#### **Where are we now?**

- ☑ *In process. Administrative Assistants have been working on many projects and increased Staff capacity and efficiency. Several meetings have been held to assist in breaking down historic barriers for greater communication among all members of the Staff. We continually work on these areas to increase our performance level and capabilities.*
- Council encourages Staff to continually develop their professional skills and capacities as employees.

#### **Where are we now?**

- ☑ *On going. Staff has attended training and the City Administrator is working toward a collective impact piece that will bring all employees up to speed with Council goals and objectives.*
- Council Development
  - Council recognizes the need for additional training & development. Council will continue to improve individually in their role as community leaders working together to accomplished shared organizational goals.

#### **Where are we now?**

- ☑ *To be determined.*
- ☑ *Council discussed possibilities at the July 2014 meeting. After the election in November, Council will discuss strategies moving forward after the election.*



## 2013-2014 Council Goals

- Council will be working on a resolution that articulates the accountability of all officials both elected and appointed. Proper training and execution of responsibilities is vital for the overall health of the organization.

### **Where are we now?**

- ☑ *Complete. Council passed Resolution 718.*
- ☑ *Failed first attempt at implementation. Council needs to be trained on the application of this resolution and how it will positively impact organizational culture. Second attempt was very successful.*

### **Emergency Preparedness Effort**

- **Community Awareness & Education**
  - Council would like to execute several goals pertaining to on-going community education in the area of emergency preparedness.
  - Council would like to have an on-going partnership and dialogue with the Brownsville Rural Fire District and the Central Linn School District to assist getting the message to the extended community.

### **Where are we now?**

- ☑ *Staff has not had time to begin this goal. Discussions have been held and some members have been identified.*
- ☑ *Staff recommends supporting a group of individuals who would form a non-profit group that would be charged with most of the mission as defined in the Brownsville Municipal Code. The first attempt at a City operated committee failed because two members could not work well within the scope defined by the group. They were also interested in collecting information that would cause the City some legal concerns. If a non-profit is formed, they would be less restricted and better equipped to implement concepts that would be illegal for the City to handle.*
- ☑ *Council is currently working toward a fresh approach and hoping to include the Brownsville Rural Fire District, the Central Linn School District and Halsey-Shedd Fire District.*
- **Agreements**
  - Council would like to execute agreements for specialized services and for designated mass gathering areas throughout the community.

### **Organizational Development**

1. **Elected & Appointed Officials.** People who understand their role and responsibilities for the City as policy & decision makers. People who have a tremendous amount of pride and caring about the future of Brownsville. People who understand the financial nuances of local government in Oregon. People who understand and respect the significant contributions of Staff. People who are focused on the greater good they can collectively make in the community. People who understand the mission of the City and who can explain City policy and issues with the general public. People who understand



# 2013-2014 Council Goals

the unrelenting nature of citizen complaints and how to effectively deal with emotional issues from the general public.

2. **Staff.** People who understand their multiple roles and responsibilities. People who love coming to work. People who are interested in creating the best possible work environment that is full of respect and compassion for the citizens and is honest and trusting among all the ranks of the organization. People who don't complain about what they cannot control but people who are interested in creating practical, cost-effective solutions for those issues they can control. People who expect more than the ordinary from themselves and from each other.
  
3. **Organizational Axiom.** Creating, developing and maintaining effective relationships with individuals, other civic organizations, County, State & Federal government personnel. Understanding that the number one priority of the City is relationship building. The City shall honor relationships and the ordinances and laws of the land. The City shall be ever mindful of the importance of the social contract of government and the order that it strives to preserve for the sake of freedom.

**NOTES:** Council has discussed many organizational theories & objectives as well as identifying important critical thinking models that will serve as a guide for making better decisions. Below are two of those models:

### *How are expectations set in City Government?*

- ◆ Laws & Municipal Code
- ◆ Standards
- ◆ Requirements & Rules
- ◆ Memoranda of Understanding
- ◆ Contracts
- ◆ Agreements
- ◆ Employee Handbook
- ◆ Societal Norms
- ◆ Cultural Nuances
- ◆ Public Opinion

**Acceptable  
Conduct**  
vs.  
**Unacceptable  
Conduct**

### **THE PROCESS OF PROGRESS**

1. Recognize/Identify
2. Accept/Agree
3. Strategize/Develop Action Steps
4. Implement/Execute
5. Review Outcomes



## 2013-2014 Council Goals

### Lexipol's 10 Families of Risk Model

1. External Risks
2. Legal & Regulatory Risks
3. Strategic Risks
4. Organizational Risks
5. Operational Risks
6. Information Risks
7. Human Resources Risks
8. Technology Risks
9. Financial and Administrative Risks
10. Political Risks

Information added after April 19<sup>th</sup>, 2014 Council Retreat:

1. Proposed Policy Changes as they relate to current Council Goals:

Councilor Gerber said that it would be great to have holistic approach to these improvements instead of a fragmented, piece meal approach. So, we have them listed below for discussion:

- ▶ **ROW Infractions Policy:** Trailers, Boats, Porches and Irrigation Systems. Council discussed what this would like with some detail. Basically, history has not been kind to the City. How do we make things better now and in the future?
- ▶ **Nuisance Abatement Timelines:** Taking November & December, March through May off due to the holidays and budget season.
- ▶ **Construction Permits:** Making sure that Zoning laws are understood by the general public, carried out by applicants and properly enforced by City Officials.
- ▶ **Business Registration Process:** Council discussed the practical application of adopting this sort of process.
- ▶ **Zoning Code Review:** Staff reviews currently underway.
- ▶ **Civil Engineering Standards:** Staff reviews currently underway.

McDowell indicated that these can be brought to Council as a group, though it will be difficult due to all the parts and pieces that are required. Unfortunately, piecemeal may be the only real way to implement some of these policies. Staff will try to get these discussions on the agenda as early as July 2014.

2. Council Training & Development
  - ▶ Continuing to Seek Opportunities



## **2013-2014 Council Goals**

- ▶ **Regular Attendance**
- ▶ **Come Prepared**
- ▶ **Be an Active Participant**
- ▶ **McDowell to provide a weekly recording to keep Councilor abreast of weekly developments**



## ORDINANCE NO. 748

**AN ORDINANCE AMENDING TITLE 15, UNIFORM DEVELOPMENT CODE, 15.15.020 DEFINITIONS, 15.15.035 CONSTRUCTION PERMIT REQUIRED, 15.45.020 SPECIFICATIONS FOR IMPROVEMENTS, 15.75.010 ADMINISTRATION, 15.75.030 BUILDING PERMIT APPROVAL, 15.80.045 MINIMUM SETBACK CHART & FENCING VISION DIAGRAMS AND 15.85.060 VISION CLEARANCE TO THE MUNICIPAL CODE OF THE CITY OF BROWNSVILLE, OREGON;**

**WHEREAS**, Title 15 of the Brownsville Municipal Code (BMC) defines Uniform Development within the City of Brownsville; and,

**WHEREAS**, Council has filed the appropriate notice to the Department of Land Conservation & Development in accordance with State law; and,

**WHEREAS**, the Council desires to establish Public Works Standards and design criteria to provide a clear process for the construction of public improvements and improvements effected public infrastructure; and,

**WHEREAS**, the Council desires to create a clear process and system for the construction of accessory structures; and,

**WHEREAS**, the Council desires to create a clear process for the construction and installation of fences; and,

**WHEREAS**, the Council desires to create necessary definitions in accordance with these processes and applications; and,

**NOW THEREFORE**, the City of Brownsville ordains the following additions to the Brownsville Municipal Code as follows:

### **SECTION I. 15.45.020 Specifications for improvements.**

E. Public Standards and design criteria pertaining to all developments and improvements to the public infrastructure within the City of Brownsville are hereby accepted and approved by the Planning Commission and Council and can be found under Appendices, Appendix F., in the Brownsville Municipal Code.

### **SECTION II. 15.75.010 Administration.**

The City Administrator or designee shall be responsible for administering Public Works Standards and design criteria, the proper placement and execution of accessory structures and fences as these are common development components of property within the City of Brownsville.

Fence requirements can be found in Appendices, Appendix G., in the Brownsville Municipal Code.



## ORDINANCE NO. 748

### SECTION III. 15.75.030 Building Permit Approval.

The City Administrator or designee shall have the authority to review and approve all accessory structure permits and fence permits as required by the Brownsville Municipal Code. The City Administrator shall also ensure that the Public Works Standards and design criteria are properly applied and enforced in coordination with the Public Works Superintendent and the City Engineer. Each of the reviews and approvals shall be both prior and subsequent to construction.

Fence requirements can be found in Appendices, Appendix G., in the Brownsville Municipal Code.

Modify the following definition to read as follows:

### SECTION IV. 15.85.060 Vision Clearance.

"Vision Clearance" means area near intersections of right-of-ways, curb cuts and other roadway entry points where a clear field of vision is necessary for traffic safety. Vision clearance shall be determined by the City Administrator or designee using City Standards, State or Federal traffic guidelines. The City Engineer may be used for vision clearance review at the property owner and/or applicants expense.

### SECTION V. 15.15.020 Definitions.

For the purpose of this ordinance, the following terms shall mean:

1. "**Construction Permit**" means an application obtained from the City to construct a primary structure.
2. "**Accessory Structure Permit**" means an application obtained from the City to place a structure that is incidental or subordinate to the primary use of the property.
3. "**Fence Permit**" means an application obtained from the City to place a fence on private property.

These definitions shall be add to Titles 13.05.010 & 15.70.030.

### SECTION VI. 15.15.035 Construction Permit Required

The City of Brownsville requires a construction permit for primary structures, accessory structures and fences. Permit costs shall be set by resolution and periodically reviewed by Council.

"Accessory Structure" means a structure incidental and subordinate to the primary use of the property in accordance with the Zoning Code and which is located on  
**Ordinance 748 Title 15 Proposed Changes (Second Reading)**





**ORDINANCE NO. 748**

the same lot with the primary use. Accessory structures include, but are not limited to, a storage shed, carport, greenhouse, pole building/shop, detached garage, or farm animal enclosure are subject to the setback requirements and lot coverage requirements of the Zoning Code.

**SECTION VII. 15.80.045 Minimum Setback Chart & Fencing Vision Diagrams**

**CITY OF BROWNSVILLE ZONING SETBACK CHART**

Zone	Minimum Setback	Front Lot (Street Side) Minimum Setback	Side/Back Lot (Total of both side yards) Minimum Setback	Side/Back Lot (Front Lot & Street) Minimum Setback	Minimum Setback	Minimum Setback from the Street	Height	Front Lot Coverage / Principal Structure Setback
<b>Primary Structures</b>								
Low Density Residential	20'	20'	15'	5'	15'	20'	35'	30% / 40%
Medium Density Residential	15'	15'	15'	5'	15'	20'	35'	40% / 55%
High Density Residential	10'	10'	15'	5'	5'	20'	35'	50% / 80%
Old Town Commercial	Zero	Zero	Zero	Zero	Zero	Zero	n/a	n/a
Volume Commercial <sup>(M)</sup>	20'	20 ft.	15'	5'	10'	n/a	35' / 2-Story	50% / 90%
Light Industrial <sup>(M)</sup>	20'	20'	15'	5'	10'	n/a	45'	0% / 80%
Heavy Industrial	20'	10'	15'	n/a	n/a	n/a	45'	0% / 85%
Special Development <sup>(M)</sup>								
Public <sup>(M)</sup>							35'	50% / 80%
<b>Accessory Structures</b>								
Low Density Residential				5'	5'		22'	
Medium Density Residential				5'	5'		18'	
High Density Residential				5'	5'		18'	
Public <sup>(M)</sup>								
Volume Commercial <sup>(M)</sup>							22' / 2-Story	

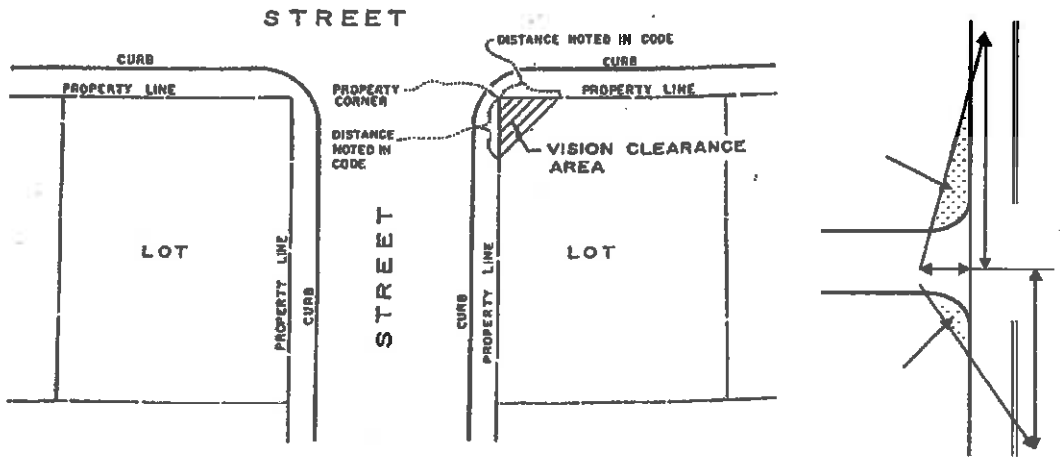
- I. Height of the Principal Building only.
- II. Structures built along Highway 228 shall follow setback requirements as established by the Oregon Department of Transportation.
- III. Yard requirements for the Public Zone may be determined on an individual basis, guided by the prevailing yard requirements in the immediate vicinity.
- IV. An accessory structure or use shall comply with the setback requirements of the applicable zoning district, and shall not be closer to the street than the primary structure.
- V. No accessory structure or use will be permitted on any lot without an established principle use.
- VI. Setbacks in Special Development Zones shall go through Administrative Review for determination.

NOTE: For minimum setbacks in a Manufactured Home Park, please contact City Hall.



**ORDINANCE NO. 748**

**Vision Clearance Diagram:**



PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor Don Ware

\_\_\_\_\_  
City Administrator S. Scott McDowell



TITLE 15.75.030  
Fence Standards

- I. Purpose.
- II. Scope.
- III. Definitions.
- IV. Permitted fences.
- V. Similar fences.
- VI. Corner or through lot.
- VII. Maintenance.
- VIII. Permit.
- IX. Inspection.

**I. PURPOSE.**

The purpose of this chapter is to establish regulations controlling the use of fences, hedges, and walls whereby the lot owner may have the privilege of privacy and landscape design within his or her own lot with due consideration to the environment of his or her neighbor, the safety of the public, the individual and the general appearance of the community.

**II. SCOPE.**

This chapter shall apply to all zoning districts. The fence regulations herein shall not apply to any permanent fence erected prior to the effective date of this adoption.

**III. DEFINITIONS.**

"Fence" means any structure composed of wood, iron, steel, shrubbery, hedges or other material erected in such a manner and position as to enclose or partially enclose all or any part of any premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers and other vegetation when erected in such position as to enclose all or any part of any premises shall be included within the definition of the word "fence".

"Deer Fence" means a structure erected to allow light and air for the proper growth of gardens or other plant life with the purpose of keeping animals out of a defined area. The structure may be as high as eight feet (8') and materials may include polypropylene netting, taut wires and woven wire mesh that are adequate at keeping animals such as deer out.

"Property Line Verification" means the City will use GIS and other means to determine the general location of property lines plus or minus one or two feet. It may mean an official, certified survey document completed by a surveyor licensed in the State of Oregon. All costs for any official survey shall be the sole responsibility of the applicant and/or the property owner.

"Measurements" shall mean the required yard setbacks will be measured from the actual property line or closest proximity and not from the paved portion of the right-of-way.

"Right-of-way" means a City owned street, alley, easement, or through way, and/or utility owned easements. City owned right-of-ways vary in width but are always wider than the paved portion that exists within said right-of-ways. Paved portions of right-of-ways are not always centered in any given right-of-way.

"Fence Height" is the vertical distance measured from the natural grade to the highest



point of the fence including structural supports.

"Vision Clearance" means area near intersections of right-of-ways, curb cuts and other roadway entry points where a clear field of vision is necessary for traffic safety. Vision clearance shall be determined by the City Administrator or designee using City Standards, State or Federal traffic guidelines. The City Engineer may be used for vision clearance review at the property owner and/or applicants expense.

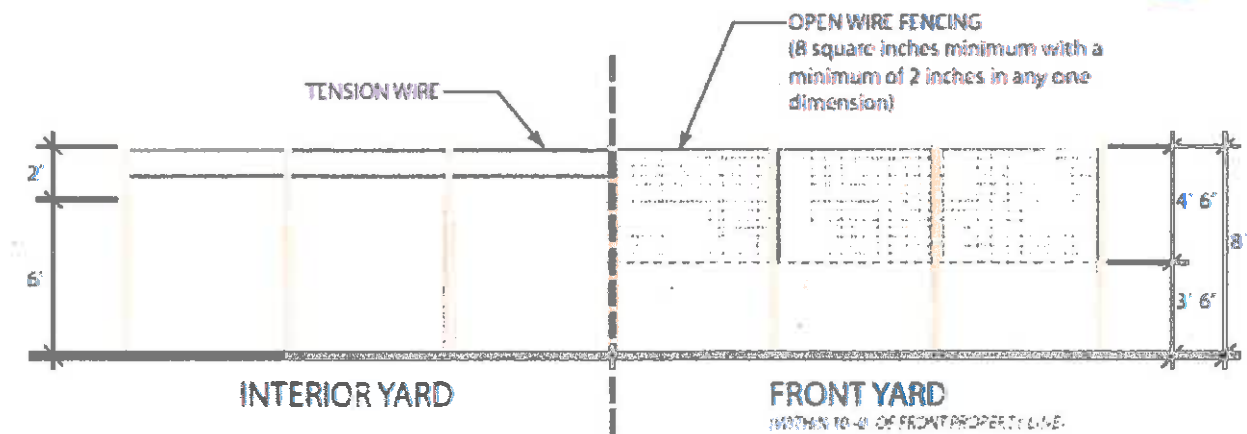
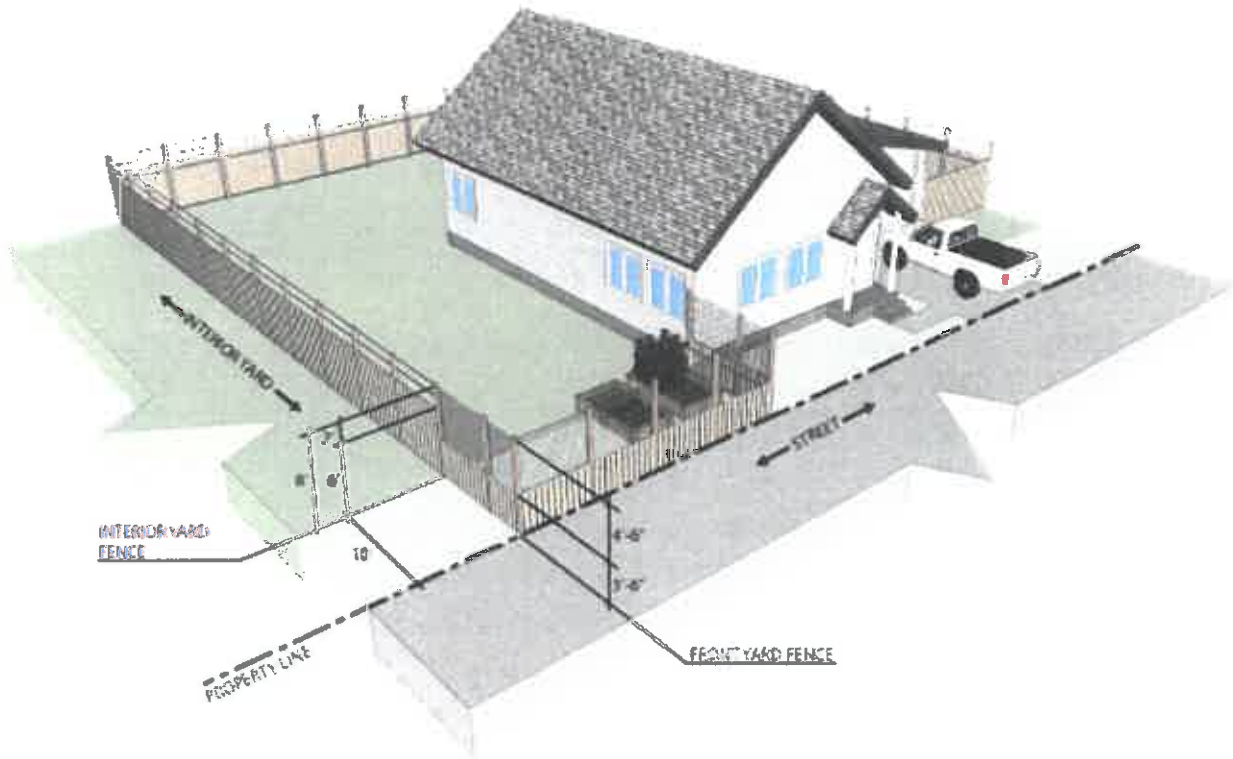
#### IV. PERMITTED FENCES.

Fences shall be permitted in required yards as follows:

- a) Fences. Shall be permitted in public facilities and all zoning districts.
  1. **Front yards**. Fences may be erected in front yards parallel to the building line to a height not exceeding three and one-half feet.
  2. **Side and rear yards**. Fences may be erected in side and rear yards as described herein and shall be at least one foot (1') from the property line, unless a certified survey (property line verification) is obtained or existing property pins have been located.
- b) Chain Link Fences. Shall be permitted in all zoning districts ~~only in rear and side yards. Said fences may be erected at a height not exceeding six feet above the natural grade, exceptions include Light & Heavy Industrial Zones.~~
- c) Privacy Fences. Shall be permitted in all zoning districts in rear and side yards. Fences shall not exceed six feet in height above the natural grade unless a building permit is obtained.
- d) Shrubbery or Hedges. Shall be permitted in public facilities and all zoning districts provided they do not encroach upon the abutting property. Responsible owner shall maintain shrubbery and grass on both sides of the vegetation.
- e) Barbed Wire or Stockade Fences. Shall be permitted in the light & heavy industrial zones ~~only in rear and side yards. Said fences may be to a height not exceeding six feet unless a building permit is obtained.~~
- f) Deer Fencing
  1. Deer fencing may be stand alone or be attached to a permitted front, side or rear yard fence(s) provided the area in excess of the allowable fence heights. Fence shall be designed and constructed to provide a clear view through the fence.
    - a. Within required front yards at least eighty-five percent (85%) of the surface shall be unobstructed to both light and air when viewed perpendicular to the place of the fence.
    - b. Within required side and rear yards at least eighty percent (80%), of the surface shall be unobstructed to both light and air when viewed perpendicular to the place of the fence.



2. Deer fencing shall have a minimum height of six and a half feet (6 1/2 ) and shall not exceed eight feet (8) above grade.
3. Permitted deer fencing materials may include, woven wire fencing, field fence, "hog panels", wire strand or polypropylene mesh net that is open and visible through the material. Within front yards all mesh material shall have a minimum open diameter of one and a half (1 1/2 ) square inches.
4. Deer fencing shall be supported by structural supports, or tension wires, that run along the top of the fence to prevent sagging.
5. Chain link fences shall not be considered to be deer fences under this section even if they meet the criteria above.



g) General. Any and all fences shall comply with vision clearance distances as described  
**Fence Standards**



herein. All fences must be constructed of wood, chain link, stone, rock, concrete block, masonry brick, brick, decorative wrought iron, or other material(s) which are similar in durability. Unacceptable fence materials include cast-off, secondhand, and other items not originally intended to be fencing, (examples include plywood less than 5/8 inch thick, low-grade plywood, particle board, paper, visqueen plastic, plastic tarp and similar materials, razor wire and other dangerous materials, sheet metal, roll metal, and corrugated metal.)

All applicants shall ensure that they have obtained the proper permission from any abutting utility or Franchisee. Fences may not cross any non-exclusive ingress/egress easements. The following utilities or Franchises may be contacted regarding easements:

- ▶ Electrical and/or Gas – Pacific Power Company & Northwest Natural Gas
- ▶ Water, Sewer or Drainage – City of Brownsville
- ▶ Telephone - CenturyLink

No fence shall extend beyond the property line.

#### **V. SIMILAR FENCES.**

The City Administrator or designee may permit other fences which are similar in character, design and materials to one or more of the fences permitted by this chapter.

#### **VI. CORNER OR THROUGH LOT.**

Where any part of a fence either in a front, rear or side yard abuts a street or other public right-of-ways, fences shall provide adequate vision clearance which may require review from the City Engineer at the owners expense. Vision clearance shall be determined by the City Administrator or designee using City Standards, State or Federal traffic guidelines.

#### **VII. MAINTENANCE.**

Such permitted fences shall be maintained in good condition and be structurally sound and shall not be verbally offensive to neighbors. Fences shall also not be overgrown with vines and weeds.

#### **VIII. PERMIT.**

Any fence which may be permitted shall require the issuance of a permit prior to its erection by the City, after approval. Prior to the construction of any fence, an application to construct the fence must be obtained from the City of Brownsville, together with a plot plan showing the location and dimensions of the property to be fenced and the location of the proposed fence, as well as the permit fee as adopted by resolution of Council.

#### **IX. INSPECTION.**

It shall be the duty of each property owner to determine property lines and to ascertain that the fence thus constructed does not deviate from the plans as approved by the City. The City shall furnish such inspection as is deemed necessary to determine that said fence is constructed in accordance with plans submitted per the permit application. The issuance of any fence permit by the City shall not be construed to mean the City has determined said fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed herein.



**Accessory Structure Pre-Application Form**

Pre-application    Application

Date of Application: \_\_\_\_\_ Permit #: \_\_\_\_\_

Applicant Name : \_\_\_\_\_ Phone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Legal Owner: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zone: \_\_\_\_\_

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot No. \_\_\_\_\_

Site Address: \_\_\_\_\_ Proposed Construction: \_\_\_\_\_

**Please attach a drawing on 8.5" x 11" or larger paper that includes distances from the new structure to existing buildings and to all property lines.**

Distance of Structure from Property Lines: \_\_\_\_\_ North \_\_\_\_\_ South \_\_\_\_\_ East \_\_\_\_\_ West

**NOTE:** Information below may require review from the City Engineer. Additional fees for review will apply. See attached Brownsville Municipal Code Setback Chart for requirements for your zone.

▶ 100- year Floodplain   YES    NO    ▶ Floodway   YES    NO

**Onsite Inspection Required:** Prior to construction, City Hall Staff must verify all setbacks. Please call to schedule.

Proposed grading and/or fill, if applicable. (All fill and backfill soil within six (6) feet of the building shall be compacted so as not to allow displacement).

**Submitted:**            Yes            No

**Approved:**            Yes            No

Proposed Drainage plans including destination for drainage from gutters and downspouts, and surface drainage destinations, if applicable.

**Submitted:**            Yes            No

**Approved:**            Yes            No

*I hereby declare that the above and attached information are correct. I agree that in consideration of and upon issuance of a building permit, I will do or will allow to be done only such work as herewith applied for and such premises and its existing and proposed building and structures shall be used for such purposes as set forth above. I further declare that I have been duly authorized by the Owner to make the above application and agreements.*

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Zoning Coordinator: \_\_\_\_\_ Date: \_\_\_\_\_





**Construction Permit Pre-Application Form**  
**LDR, MDR, HDR Zones**

**Fee: \$30.00**

Date of Application: \_\_\_\_\_

Permit #: \_\_\_\_\_

Applicant Name : \_\_\_\_\_ Phone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Legal Owner: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot No. \_\_\_\_\_

Site Address: \_\_\_\_\_ Proposed Construction: \_\_\_\_\_

**\*\*\*Please attach a sketch of your project. For new homes, attach lot and home layout drawings.**

Distance of Structure from Property Lines: \_\_\_\_\_ North \_\_\_\_\_ South \_\_\_\_\_ East \_\_\_\_\_ West

**Onsite Inspection Required:** Prior to construction, City Hall Staff must verify all setbacks. Please call to schedule.

<b>Will you need?</b>	<b>Yes</b>	<b>No</b>
Sanitary Sewer Tap	<input type="checkbox"/>	<input type="checkbox"/>
Water Tap/Meter	<input type="checkbox"/>	<input type="checkbox"/>
Sprinkler System	<input type="checkbox"/>	<input type="checkbox"/>

<b>Flood Elevation Certificate Required</b>		
<b>Please verify with City Hall</b>		
<b>100- year Floodplain</b>	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>
<b>Floodway</b>	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>

**NOTE:** Information below may require review from the City Engineer; additional fees will apply.

Proposed grading and/or fill, if applicable. (All fill and backfill soil within six (6) feet of the building shall be compacted so as not to allow displacement).

**Submitted:** Yes No **Approved:** Yes No

Proposed Drainage plans including destination for drainage from gutters and downspouts, and surface drainage destinations.

**Submitted:** Yes No **Approved:** Yes No

*I hereby declare that the above and attached information are correct. I agree that in consideration of and upon issuance of a building permit, I will do or will allow to be done only such work as herewith applied for and such premises and its existing and proposed building and structures shall be used for such purposes as set forth above. I further declare that I have been duly authorized by the Owner to make the above application and agreements.*

**Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Zoning Coordinator:** \_\_\_\_\_ **Date:** \_\_\_\_\_





Permit No: \_\_\_\_\_

## Residential Fence Permit Application

**Fences over 6' will require a building permit**

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

Applicant Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Legal Owner: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot No. \_\_\_\_\_

Site Address: \_\_\_\_\_ Zone: \_\_\_\_\_

**\*\*\*Please attach a sketch including fence dimensions & distances from property lines.**

### Fence Material

### Fence Type

Wood  Plastic/Vinyl  Picket  Lattice   
Metal  Chain-link  Split Rail  Split Rail

Other  (Describe) \_\_\_\_\_ Other  (Describe) \_\_\_\_\_

Fence Location & Height Front Yard\* \_\_\_\_\_ Rear Yard \_\_\_\_\_ Side Yard \_\_\_\_\_

- \*A fence located in the front yard may not exceed a height of 42" in height, with limited exceptions.
- In no instance shall a fence extend beyond the property line.
- Fences and hedges shall not conflict with requirements of a vision clearance area.
- On-site inspection required prior to construction. Please schedule with City Hall Staff.

**Provide a site plan of your property:** Indicate which direction is north. Show the location of the proposed fence, house, garage, neighbor's buildings, streets, alleys & sidewalks.

Construction of a fence must not obstruct any existing easements, including but not limited to drainage, utility, ingress and egress easements.

*I hereby declare that the above and attached information are correct. I agree that in consideration of and upon issuance of a building permit, I will do or will allow to be done only such work as herewith applied for and such premises and its existing and proposed building and structures shall be used for such purposes as set forth above. I further declare that I have been duly authorized by the Owner to make the above application and agreements.*

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Zoning Coordinator: \_\_\_\_\_ Date: \_\_\_\_\_



15.80.045 Minimum Setback Chart

**CITY OF BROWNSVILLE ZONING SETBACK CHART**

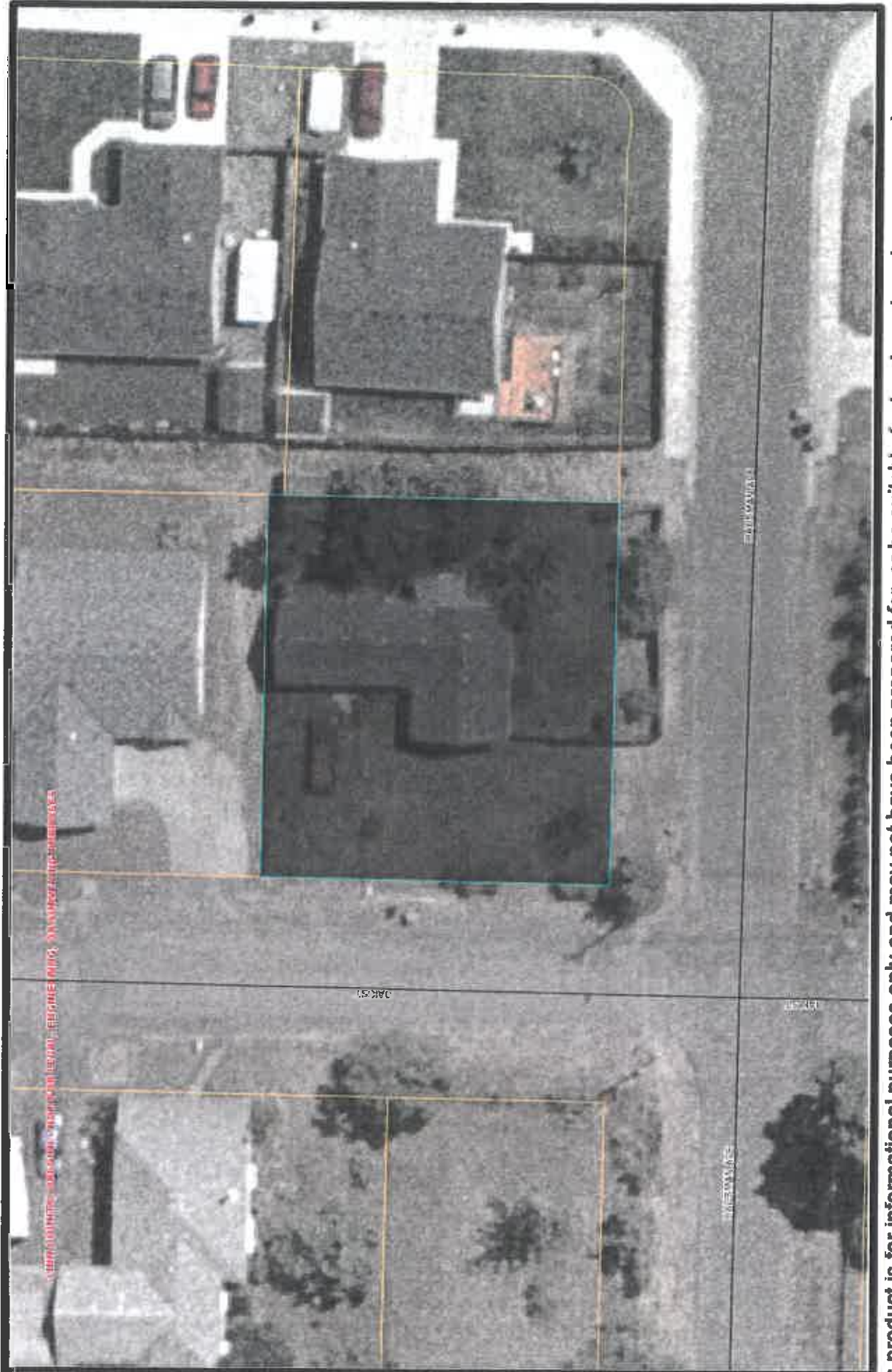
Zone	Front Yard Minimum Setbacks	Corner Lot (Street Side) Minimum Setbacks	Interior Lot (Total of both side yards) Minimum Setbacks	Side Yard (Not on a Street) Minimum Setbacks	Rear Yard Minimum Setbacks	Garage/Carport Minimum Setback from the Street	Max. Bld. Height*	Max. Bld. Coverage/ Impervious Surface
<b>Primary Structures</b>								
Low Density Residential	20'	20'	15'	5'	15'	20'	35'	30% / 40%
Medium Density Residential	15'	15'	15'	5'	15'	20'	35'	40% / 55%
High Density Residential	10'	10'	15'	5'	5'	20'	35'	50% / 80%
Old Town Commercial	Zero	Zero	Zero	Zero	Zero	Zero	n/a	n/a
Volume Commercial (M)	20'	20 ft.	15'	5'	10'	n/a	35' / 2-Storeys	50% / 90%
Light Industrial (MI)	20'	20'	15'	5'	10'	n/a	45'	0% / 80%
Heavy Industrial	20'	10'	15'	n/a	n/a	n/a	45'	0% / 85%
<b>Special Development (VD)</b>								
Public (MD)							35'	50% / 80%
<b>Accessory Structures</b>								
Low Density Residential				5'	5'		22'	
Medium Density Residential				5'	5'		18'	
High Density Residential				5'	5'		18'	
Public (MD)								
Volume Commercial (M)							22' / 1-Storey	

- I. Height of the Principal Building only.
- II. Structures built along Highway 228 shall follow setback requirements as established by the Oregon Department of Transportation.
- III. Yard requirements for the Public Zone may be determined on an individual basis, guided by the prevailing yard requirements in the immediate vicinity.
- IV. An accessory structure or use shall comply with the setback requirements of the applicable zoning district, and shall not be closer to the street than the primary structure.
- V. No accessory structure or use will be permitted on any lot without an established principle use.
- VI. Setbacks in Special Development Zones shall go through Administrative Review for determination.

**NOTE:** For minimum setbacks in a Manufactured Home Park, please contact City Hall.



# Map



This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information

**After Recording, Return to:**  
City of Brownsville  
PO Box 188  
Brownsville, OR 97327



**CITY OF BROWNSVILLE**

**INSTALLMENT PAYMENT AGREEMENT  
FOR ASSESSED SYSTEM DEVELOPMENT CHARGES**

This agreement is effective on the day of the owner's signature below and sets forth the City of Brownsville's terms and conditions under which installment payments for system development charges ("SDC") will be allowed for **Timothy Bear** ("Owner") as owner of the property described below (the "Property").

1. The Property consists of approximately 0.34 acres and is described as:

Deed Reference # 2011-17656 as recorded in the Linn County Deed Records; and

Map 14SO2W06-BA-01101; Assessor Account Number 926678, Code – Tax Number 55219-926678; and

See attachments for exact location & description including documents from the Linn County Assessor's Office and previous Brownsville Council minutes.

2. As the current sole owners of the Property, Owner has chosen to pay all applicable SDC fees and administrative SDC program costs, totaling \$10,521.00 in biannual installments (20 payments) over a period of ten (10) years, subject to all of the terms and conditions set forth in this agreement. Charges are based on Resolution 568 and includes the water SDC (\$2,093), wastewater (\$5,160), storm water SDC (\$1,968), the water connection fee (\$1,200) and the wastewater connection fee (\$100).
3. Owner acknowledges that as provided in the Brownsville Municipal Code and under State law, the amount owed under this installment agreement will be entered by the City in the City's lien docket and the City will have a lien on the Property for the unpaid balance of the SDC installment, associated interest, and any late fees. The lien on the Property is removable only by payment in full. Owner further understands that failure to make installment payments when due may result in foreclosure of the Property. Owner acknowledges that the SDC amounts owed, including interest, may be paid in full at any time without penalty.

4. Owner acknowledges that the right and obligation to pay SDC fees in installments shall run with the Property and shall be binding upon the heirs, executors, assigns, administrators, and successors of the parties hereto, and shall be construed as a benefit and burden upon the Property. This document shall, therefore, be recorded in the real property records of Linn County, Oregon, to serve as notice to any future owners or occupants of the Property of the terms and conditions of this Agreement.
5. The right to pay SDC fees in installments shall not continue if the Property is sold or refinanced. Upon either of these occurrences, whether intentional or unintentional, the entire unpaid balance including all principal, accrued interest and accrued late fees shall be immediately due and payable. The City shall not subordinate its interest in the Property. The Property owner shall only be eligible for a new installment agreement with the City if different or additional SDC fees are assessed to the Property in accordance with City ordinance.
6. Owner agrees that the amount of the SDC, not including interest, is: Ten Thousand Five Hundred Twenty-One Dollars and No Cents (\$10,521.00). The biannual installment payments include interest at three percent (3%), per annum, on the unpaid SDC, on the basis of the actual number of days in each year, payable in twenty (20) equal installments of Five Hundred Forty-One Dollars and Eighty-Three Cents (\$541.83).
7. Owner understands and agrees that the first installment payment, plus recording fees in an amount of \$ TBD, is due upon issuance of City connection approval or a plumbing permit, and that future payments are due on or before the first day of May and November, in each year thereafter until paid in full.
8. Owner further understands that if there is a subsequent failure to pay any installment, the City shall have the right to enforce payment of the entire amount due in any manner provided by the laws of the State of Oregon and the City of Brownsville Municipal Code.
9. Owner understands that a late fee of five dollars (\$5) or five percent (5%) of the biannual installment amount, whichever is greater, will be charged for each installment that is not paid on or before its due date. Owner also understands that any late or insufficient payment will cause the accrual of additional interest ("Excess Interest") over the scheduled amount of interest upon which the installment amounts were calculated. Therefore, in the event that late fees accrue or in the event that Excess Interest accrues, Owner agrees that each subsequent payment will be applied first to eliminate unpaid late fees, secondly to eliminate all accrued interest, and lastly to reduce the principal balance of the SDC.
10. Owner acknowledges that in the event of any proceeding to enforce collection or to foreclose, the obligation to pay the SDC shall be automatically accelerated and the entire unpaid balance including all principal, accrued interest and accrued late fees on the foregoing shall be considered immediately delinquent and due.

11. Owner hereby waives all irregularities or defects, jurisdictional or otherwise, in the proceedings to develop and impose the SDC upon the Property.
12. Owner waives all rights to contest the validity of the lien, except for the correction of computational errors.
13. Owner agrees to make all checks payable to the **City of Brownsville** and mail or deliver to:

**City of Brownsville**  
**Attn: Finance Department**  
 255 N. Main Street  
 PO Box 188  
 Brownsville, OR 97327

NOTE: This agreement requires the original signature of all owners. Each signatory to this agreement thereby SWEARS, AFFIRMS AND WARRANTS to the City of Brownsville, under penalty of perjury, that she (he) is either the owner of the Property or is empowered by a valid legal authorization to execute this agreement on behalf of the Owner. The Signatory agrees to reimburse the City for any expenses incurred as the result of a false statement as to ownership or authority, and understands that IT IS A VIOLATION OF STATE LAW TO MAKE A FALSE STATEMENT.

**OWNER**

Name of Owner(s): Timothy Bear  
 Mailing Address: 25141 Springer Road, Sweet Home, OR 97386.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
 COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me on \_\_\_\_\_, 2014, by Timothy Bear as Owner of the above described property Brownsville, OR 97327.

\_\_\_\_\_  
 Notary Public for \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

# LINN County Assessor's Summary Report

## Real Property Assessment Report

### FOR ASSESSMENT YEAR 2014

December 8, 2014 2:53:21 pm

**Account #** 926678  
**Map #** 14S02W06-BA-01101  
**Code - Tax #** 55219-926678

**Tax Status** ASSESSABLE  
**Acct Status** ACTIVE  
**Subtype** NORMAL

**Legal Descr** Metes & Bounds - See legal report for full description.

**Mailing Name** BEAR TIMOTHY

**Deed Reference #** 2011-17656

**Agent**

**Sales Date/Price** 12-15-2011 / \$0

**In Care Of**

**Appraiser** STALNECKER, DENNIS

**Mailing Address** 25141 SPRINGER RD  
 SWEET HOME, OR 97386

**Prop Class** 100      **MA**   **SA**   **NH**   **Unit**  
**RMV Class** 100      06   06   003   29007-2

<b>Situs Address(s)</b>	<b>Situs City</b>
-------------------------	-------------------

		Value Summary				
Code Area	AV	RMV	MAV	RMV Exception	CPR %	
55219	Land	36,670		Land	0	
	Impr.	0		Impr.	0	
<b>Code Area Total</b>		36,670	36,670	37,410	0	
<b>Grand Total</b>		36,670	36,670	37,410	0	

		Land Breakdown									
Code Area	ID#	RFD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Irr Class	Irr Size
55219	2	R			Market		100 A	0.34			
<b>Grand Total</b>								0.34			0.00

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Total Sq. Ft.	Ex% MS Acct #	Trended RMV
<b>Grand Total</b>										0

**Comments:** \*\*\*\*\* CAP NOTE - Type R \*\*\*\*\*  
 08MX: SEG DONE AFTER 1/1/08 SO REVIEW FOR 09 DUS5/08  
 09MX: REVIEWED LAND, SEG D AFTER 1/1/08 DUS12/01/08  
 14MX: Made unit w/ TL 1100, account 306619. MP 11/13





NE 1/4 NW 1/4 SEC 8 T.14S. R.2W. W.M.  
Linn County  
1'-30"

14S02W08BA  
BROWNSVILLE

14S02W08BA  
BROWNSVILLE



S. Scott McDowell

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**From:** S. Scott McDowell [admin@ci.brownsville.or.us]  
**Sent:** Tuesday, December 02, 2014 10:49 AM  
**To:** 'Diane Remior'  
**Cc:** Elizabeth Coleman (assistant@ci.brownsville.or.us)  
**Subject:** RE: 1118 oak st

Good Morning Diane,

Liz and I will go out this afternoon and press the issue with the occupants. They will need to go through the process as prescribed by the Zoning Code which is to go through a conditional use hearing; official notices would be sent by the City to all abutting property owners. I appreciate your report and the situation you are in. I will also share your information with the City Council so they are aware of the situation and the stress it causes the neighborhood. Liz or I will keep you abreast of the timeline necessary by law for the conditional use or whatever other administrative action that may be required. Thanks!



**S. Scott McDowell**  
*255 N. Main Street*  
*P.O. Box 188*  
*Brownsville, OR 97327*  
*541.466.5880*  
*Fax 541.466.5118*

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**From:** Diane Remior [mailto:dyremior@gmail.com]  
**Sent:** Monday, December 01, 2014 6:46 PM  
**To:** S. Scott McDowell  
**Subject:** 1118 oak st

December 01, 2014

City of Brownsville

RE: 1118 Oak St

Dear Scott,

I would like to know what is the status of the business license for the Auto repair shop that is being run across the street from our property. I have supplied the city with various pictures that prove that vehicles are being delivered to the address above and being repaired by the renter at that location.

This evening again a vehicle was delivered by a truck towing it. With this vehicle 4 other vehicles showed up blocking the entire street for 20 minutes while the non-running vehicle was removed from the tow vehicle and pushed up the driveway, all the while 3 other vehicles were left running in the street.

It is very obvious that the renter is working on these vehicles for pay, most likely under the table and without a license. No one that lives in that house have a job outside of the home. As of last week there is now another person/family living in this house. It seems that most of the activity now occurs after dark, you don't see anyone all day and as soon as it gets dark there is a steady flow of vehicles being worked on and vehicles in and out late into the night. There is an endless banging on vehicles and engines being reved.

The red car that has been parked on the street now has flat tires, no windows, and is used for parts, we have seen the renter taking parts off of it to be put on a car he is repairing. It now stinks due to that there are now windows to keep the rain out. Are they allowed to let a car sit right on the edge of the street that does not run?

We have seen that they cleaned up the yard, but slowly over the last few months there has been an accumulation of things, there is now a van parked in the yard that we have seen people coming out of in the morning and three utility trailers.

We have tried to be patient with this process but it seems as if nothing is being done at this time. We are somewhat active in supporting this town, we pay our taxes and we tired of dealing with this. The stress is horrible, as I turn onto our street anymore it like well lets see what's new today to deal with, what new piece of junk will we now be subjected to view.

I am working through the holidays in Albany and unable to be reached by phone until after 3pm. I do expect some response in regards to the issues stated above either by phone or email.

Thank you,  
Diane Remior  
541-359-5898

**From:** S. Scott McDowell [admin@ci.brownsville.or.us]  
**Sent:** Tuesday, December 02, 2014 5:06 PM  
**To:** 'Diane Remior'  
**Cc:** 'Elizabeth Coleman'  
**Subject:** Brownsville - 1118 Oak Street

Good Afternoon Diane,

Administrative Assistant Elizabeth Coleman and I visited with Maria at 1118 Oak Street this afternoon. She indicated that her daughter has recently moved in with them and is currently in between homes at the present time. The addition of another family has caused a lot of traffic lately as things are being moved in and into storage. Maria indicated that Scott was not working on cars. We explained that we have multiple reports from the neighborhood that cars are being worked on at all different hours, and further that tow trucks had been seen dropping cars off. She indicated that Scott's son had broken down in Salem and the towing company dropped off his car.

I will be asking Robb Ginn and yourself to take pictures when cars are dropped off. I will also ask each of you to contact the Sheriff's Office if the noise is a problem. Below is the Brownsville Municipal Code section pertaining to noise:

**9.10.040 Unreasonable noise.** 

A. For purposes of this section, "unreasonable noise" is any sound which annoys or disturbs a reasonable person of normal sensitivities.

B. No person shall create or assist in creating or permit the continuance of unreasonable noise in the City. The following enumeration of violations of this section is not exclusive but is illustrative of some unreasonable noises:

1. Keeping an animal that, by loud and frequent or continued noise, disturbs the comfort and repose of a person in the vicinity.

2. Using a motor vehicle, engine, thing or device that is so loaded, out of repair or operated in such a manner as to create a loud or unnecessary grating, grinding, rattling or other noise.

3. Using a mechanical device operated by compressed air, steam or otherwise, unless the noise created by it is effectively muffled.

4. Construction, excavation, demolition, alteration or repair of a building between the hours of 6:00 p.m. and 7:00 a.m., except by special permit granted by the City.

5. Using or operating an automatic or electric piano, phonograph, loudspeaker or sound-amplifying device:

a. Between the hours of 10:00 p.m. and 7:00 a.m. the following day so as to be plainly audible within any dwelling unit which is not the source of the sound; or

b. On public property or on a public right-of-way so as to be plainly audible 50 feet or more from such device, except as authorized by permit.

C. Violation of this section constitutes a Class C misdemeanor. [Ord. 601 § 8, 1990; 1981 Compilation § 4-4.8.]

I will be taking this concern to Council on December 16<sup>th</sup> so they are aware of the issue. The City will have to have proof that they are actually servicing vehicles for gain in order to go forward with the next step in the process. Elizabeth and I have, once again, outlined the process they need to take with Maria if they are working on cars as a business. If they are working on cars for family, or a friend, I am not sure how we can require them to go through the process of obtaining a conditional use which is why I need visual proof. Any pictures you have other than the ones I have already received or can get will be immensely helpful. Please let me know if you have any questions or concerns. Thanks!



**S. Scott McDowell**  
*255 N. Main Street*  
*P.O. Box 188*  
*Brownsville, OR 97327*  
*541.466.5880*  
*Fax 541.466.5118*



## **What does the current Brownsville Municipal Code say?**

### **PARKS**

#### **8.20.040 Pets.**

The following regulations regarding pets shall apply to all public park areas:

A. Any dog brought into a park shall either be on a leash not more than eight feet in length, be under voice control of the owner or confined in a vehicle, and must be kept under control at all times from the day after Labor Day through the day before Memorial Day.

B. Dogs may be off leash and under voice control from Memorial Day through Labor Day in designated areas only. Dogs off leash in any other area of the park are subject to removal from the park.

C. Dog owners are responsible for the removal of any solid waste deposited by the owner's dog.

D. A dog's owner is responsible for the dog's behavior at all times while the dog is in the park.

The Linn County Sheriff's Office has indicated that voice command is a legal means of controlling dogs. To be clear, in the absence of an actual adopted law, voice command is a legal means.

## **Portland Law**

### **Obeying Leash & Scoop Laws**

Leashed dogs are welcome visitors in most Portland parks. Dog owners help keep parks fun and healthy for all visitors by obeying leash and scoop laws, following off-leash area rules of use, and complying with all Multnomah County Laws and Park Rules.



By law, dogs **must always be on leash** when not in a designated off-leash area. No dogs, on or off-leash, are allowed at Tanner Springs Park, Whitaker Ponds Nature Park, Foster Floodplain Natural Area, or the amphitheater at Mt Tabor Park.

You must carry a leash for each dog in your care, and keep pets leashed on the way to and from off-leash areas. At unfenced off-leash areas, boundary maps are posted. Familiarize yourself with the boundaries, and play with pets within the designated area only.

Law also requires that pet **waste must be picked up and disposed of** in a trash can. Being in an off-leash area does not exempt owners or handlers from obeying scoop laws. Scoop bags are not supplied, so bring bags with you.

Violation of leash or scoop laws will result in a fine of up to \$150.

## Multnomah County

Dogs must be properly licensed and vaccinated. Dogs must be leashed at all times while on public property and in parks (except in designated off-leash areas), and owners must remove their dog's waste. These laws exist for the health and safety of dogs and people.

### 13.305 Duties Of Owners.

(A) For the purposes of this section, unless otherwise limited, the owner is ultimately responsible for the behavior of the animal regardless of whether the owner or another member of the owner's household or a household visitor permitted the animal to engage in the behavior that is the subject of the violation.

(B) It is unlawful for any person to commit any of the following: (1) Permit an animal to be an animal at large\*;....

\*ANIMAL AT LARGE. Any animal, excluding domestic cats, that is not physically restrained on owner's or keeper's premises including motorized vehicles in a manner that physically prevents the animal from leaving the premises or reaching any public areas; or, is not physically restrained when on public property, or any public area, by a leash, tether or other physical control device not to exceed eight feet in length and under the physical control of a capable person.

**13.303 Animal Wastes; Duty To Remove.** Any person in physical possession or control of any animal off the premises of the animal's owner or keeper shall immediately remove excrement or other solid waste deposited by the animal in any public area.

## City of Albany

### Common Code Complaints

#### *Lease Law Articles, Concepts & Thoughts*



## **Boats, Campers, RVs, and Trailers**

- Must be stored off the street.
- You cannot live in an RV except in an RV park.

## **Dogs**

- Dogs must be kept on leash when they are not otherwise contained by fencing or a kennel. Dog owners must clean up after their pets.
- Dogs that bark cumulatively for more than 10 minutes during any one-hour period when such barking is audible off the premises of the dog's owner or keeper is considered a public nuisance. **To report a barking dog nuisance, contact APD at 541-917-7680.**

## **Grass and Vegetation**

- Vegetation on residential properties and vacant lots must not create a fire or vision clearance hazard. Report potential vegetation fire hazards by calling 541-917-7507; report vision clearance hazards to 541-917-7600.
- Keep sidewalks clean and unobstructed.
- You are also responsible for maintaining the planter strip between the sidewalk and the curb in front of your property.
- Trees overhanging sidewalks should be trimmed 10 feet above the height of the sidewalk.
- Trees overhanging streets should be trimmed 14 feet above the height of the street.

## **Miscellaneous**

- Trash containers should be placed at the curb no more than 24 hours before pick-up; store containers off the street.
- Garage sales are limited to three times per year, per property, and for no more than three consecutive days.
- Portable basketball hoops should be used in your driveway, not the street, blocking sidewalks, parking areas, or mailboxes.

## **Vehicles**

- Vehicles for sale, that are being repaired or don't run, or that are not licensed cannot be parked on the street.



## **Sweet Home**

### **12.12.120 DOMESTIC ANIMALS.**

No person in a park shall have been responsible for the entry of a dog or other domestic animal into a park which is not in some manner physically restrained. All dogs shall be restrained at all times on adequate leashes not greater than eight feet in length.

## **Linn County**

### **560.410 Dog as a public nuisance**

(A) A dog is a public nuisance, and not a dangerous public nuisance, if the dog:

- (1) Chases vehicles;
- (2) Damages or destroys property of persons other than the owner of the dog;
- (3) Scatters garbage of persons other than the owner of the dog;
- (4) Trespasses on private property of persons other than the owner of the dog;
- (5) Disturbs any person by frequent or prolonged noises;
- (6) Is running at large; or
- (7) chases, but does not bite, injure, wound, or kill, a pet or a domestic animal.

(B) The owner or keeper of a dog shall not allow the dog to be a public nuisance as described in subsection (A) of this section.

(C) Any person who has cause to believe a dog is being maintained as a public nuisance as described in subsection (A) of this section may complain, either orally or in writing, to the Director. The complaint shall be considered sufficient cause for the Director to investigate the matter and to determine if:

- (1) the owner or keeper of the dog is in violation of subsection (B) of this section; and
- (2) the dog is a dangerous dog or potentially dangerous dog and to take action authorized in this Chapter to protect the public if the dog is determined to be a dangerous dog or potentially dangerous dog.





# General Dog Law Article

Source: [http://doglaw.hugpug.com/doglaw\\_010.html](http://doglaw.hugpug.com/doglaw_010.html)

## Leash Laws

***Whatever may be said about the affection which mankind has for a faithful companion, modern city conditions no longer permit dogs to run at large.***

### - CALIFORNIA COURT OF APPEAL<sup>7</sup>

Long gone from most of America are the days when you could answer a longing whine from your dog by opening the back door and letting it roam the neighborhood at will. Besides the fact that many people live in apartment buildings where back doors open onto upper-story balconies, roaming dogs are considered outlaws almost everywhere, either by state law or by city or county ordinance.

"Leash laws" generally require dogs to be on a leash and under control whenever they're off their owners' property, unless a specific area is designated for unleashed dogs. Some laws apply only at night (when dogs may form packs and do the most damage to livestock) or allow an owner to have a dog unleashed if it is under "reasonable control."<sup>8</sup> Even dog owners who let their dogs off a leash only because they're confident they have complete control over them are probably in violation of a leash law.

The intensity of enforcement, however, varies from city to city and neighborhood to neighborhood. In many places, an owner is unlikely to be cited if the dog really is under voice control and not bothering anyone, even if in technical violation of a leash law. But in some cities, police enforce leash laws strictly, especially if they have received complaints about unleashed dogs in a certain area. Ask about the custom in your neighborhood. A police department may have adopted an informal policy of not issuing citations in the early morning if a dog is under control, but strictly enforcing the leash law in a crowded park where a surfeit of dogs have made it unpleasant or unusable for others.

## Walking a Dog Off-Leash

***Dog parks*** Across the country, dog owners' groups, frustrated by strict leash laws, are championing city parks with areas set aside just for dogs. People can turn their pets loose and then, like parents at the edge of a playground, watch, scold, and applaud the results. The idea seems to have originated in Berkeley, California, where a fenced half-acre of Ohlone Park was set aside for dogs in 1979. The Ohlone Park Dog Owners Association, now a nonprofit corporation, still oversees the park. Like other such



groups, it encourages owners to clean up after their dogs and provides plastic bags near trash cans.

## **LAW AND ORDER IN SUBURBAN LOS ANGELES**

Here's a legal interpretation problem for you: If the law requires a dog to be on a leash, does the owner have to be holding on to the other end?

Jean Bessette of Van Nuys, California, was ticketed for walking his Labrador retriever, Rex, without a leash. Bessette protested that the dog was on a leash. The problem was that Bessette wasn't holding the other end of the leash - Rex was, in his mouth.

Bessette and Rex went to court, where Rex balanced dog biscuits on his nose to show how well trained he was. The pair got off with a warning.

### **Dogs Running at Large**

A dog running loose can be picked up and taken to the animal shelter by municipal or county animal control officers. The owner will be fined and charged for the cost of impounding the dog. (See "Impounding and Destroying Dogs," below.) If the dog is unlicensed, there will be another fine as well.

There are other risks to allowing a dog to run at large. Of course, there's the obvious danger that the dog will be hit by a car. Owners are also letting themselves in for financial liability if the dog causes trouble - bites someone or makes a bicyclist fall, for example. To take an extreme example,

in 1983, two men were severely injured when the driver of a truck in which they were riding swerved to avoid hitting a dog that had run into the road. They sued the dog's owner, and a judge awarded them \$2.6 million.<sup>9</sup> (Liability is discussed in detail in Dog Bites.)

Dogs who damage property or injure livestock while running at large may be subject to other laws - including the "shoot first, ask questions later" rule that prevails in most rural areas, allowing a farmer to kill any dog that's threatening livestock. And if a dog threatens or injures a person, it may be classified as a "vicious dog" and made subject to strict regulations (See Dangerous Dogs).

## **THOUGHTS**

Ask for the opinion and perspective of the Linn County Sheriff's Office. Even enforcement will be a key element for this kind of law.

General Leash Law Options include:



1. Require all dogs, pets to be leashed when on public property including but not limited to City parks and all public right-of-ways. The City could have off-leash times like currently exists in Pioneer Park.
2. Add a general leash law that would include a leash or tether law for all dogs, unless the dog was kenneled, fenced or contained in a manner that would prevent interaction with other animals or humans.
3. Leave the current laws in place and make no changes.

The first question is to what level does the City want to contain dogs. Currently, dogs are not allowed to run at large because the City falls under the County Code.

The second question is to what degree should the City require dogs to be controlled.

The third question is what kinds of implementation efforts are going to be executed.

The fourth questions is what are the types of penalties for violation.

Obviously, there are a whole host of other things to think about but these are a few to get a discussion going.



"All his life he tried to be a good person. Many times, however, he failed. For after all, he was only human. He wasn't a dog."

- Charles M. Schulz



[www.ci.brownsville.or.us](http://www.ci.brownsville.or.us)

**B O P Y**

**City Hall**  
255 N. Main Street • P.O. Box 188  
Brownsville, OR 97327 • 541.466.5666  
Fax 541.466.5118 • TT/TDD 800.735.2900

December 5<sup>th</sup>, 2014

**Ms. Colleen Garrison**  
382 Kirk Avenue  
Brownsville, OR 97327

**RE: Code Violation Update**

Dear Colleen:

Council met on November 25<sup>th</sup>, 2014 and once again reviewed the continuing Brownsville Municipal Code violation of the refrigerator/freezer on your front porch at 382 Kirk Avenue. Council asked me to let you know that there are resources in the community that are willing to assist you with moving the appliance. Again, please give City Hall a call if you should need that type of assistance.

Council set your violation at \$25 per day. Council determined that the first day would be considered October 6<sup>th</sup>, 2014. The fine will accumulate to a total of \$1,500 through Friday, December 5<sup>th</sup>, 2014 and to a total of \$2,150 by December 31<sup>st</sup>, 2014.

Council also made a motion to have Staff cite this into Municipal Court in January of 2015 if the nuisance is not taken care of by the end of December.

Council is still interested in resolving this issue without having to levy a fine or requiring other administrative actions. If you have any questions or need assistance, please contact the office.

Sincerely,

A handwritten signature in blue ink, appearing to read "SM", is written over the typed name.

S. Scott McDowell  
Administrator

c: Mayor  
Council  
File

**MONTH END RECAP**

		NOVEMBER 2014							
	REVENUE	EXPENDITURES	YTD	%	Unexpended				
1	GENERAL	\$ 13,727.80	\$ 33,896.00	\$ 248,792.17	23.44%	\$ 812,507.83	1		
2	WATER	\$ 21,956.96	\$ 20,224.90	\$ 136,949.17	13.39%	\$ 885,750.83	2		
3	SEWER	\$ 21,421.59	\$ 15,005.83	\$ 277,237.04	39.42%	\$ 426,012.96	3		
4	STREETS	\$ 11,914.66	\$ 10,480.59	\$ 53,647.08	10.15%	\$ 475,052.92	4		
5	WATER BOND	\$ -	\$ -	\$ -	0.00%	\$ 77,678.00	5		
6	SEWER BOND	\$ -	\$ -	\$ 332,072.00	80.17%	\$ 82,154.00	6		
7	SEWER DEBT FEE	\$ 8,886.31	\$ -	\$ 52,011.44	41.61%		7		
8	BUILDING & EQUIPMENT	\$ -	\$ 873.75	\$ 30,136.00	6.56%	\$ 429,464.00	8		
9	WATER RESERVE	\$ -	\$ -				9		
10	HOUSING REHAB	\$ -	\$ -				10		
11	WATER SDC	\$ 2,093.00	\$ -				11		
12	SEWER SDC	\$ 5,160.00	\$ -				12		
13	STORMWATER SDC	\$ 1,968.00	\$ -				13		
14	BIKEWAY/PATHS	\$ 83.44	\$ -				14		
15	LIBRARY TRUST	\$ -	\$ -				15		
16	CEMETERY	\$ -	\$ -				16		
17	TRANSIENT ROOM TX	\$ 323.09	\$ -				17		
18	SEWER CONSTRUCTION	\$ -	\$ -				18		
19	LAND ACQUISITION	\$ -	\$ -				19		
20	COMMUNITY PROJECTS	\$ -	\$ 350.00				20		
		\$ 87,534.85	\$ 80,831.07	\$ 8,250.00	5.89%	\$ 131,850.00			

**KeyBank Accounts**

General	\$ 90,539.93
Utility	\$ 19,300.00
Park	\$ 250.00
Court	\$ 2,966.18
<b>Oregon State Treasury</b>	<b>\$ 4,145,214.84</b>
<b>Community Improvements</b>	<b>\$ 2.18</b>

<b>2013-2014</b>	<b>YTD</b>	<b>% of Total</b>
Appropriated	\$ 341,963.01	31.11%

**DEBT Payments**

Water	\$ 54,927.00
Wastewater	\$ 396,307.00

**Total Debt**

Water	\$ 1,349,225.00
Wastewater	\$ 12,371,610.00
<b>Total</b>	<b>\$ 13,720,835.00</b>